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FEBRUARY 8, 1985

John McLaughlin on
HE PURGE AT STATE
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# NATIONAL REVIEW

## UNDERSTANDING MARIO CUOMO

*--Is it to die trying?*

JOHN TAGG

## AT THE HIGH COURT

*--What in God's name is going on?*

JAMES JACKSON KILPATRICK

## CAPITAL PUNISHMENT

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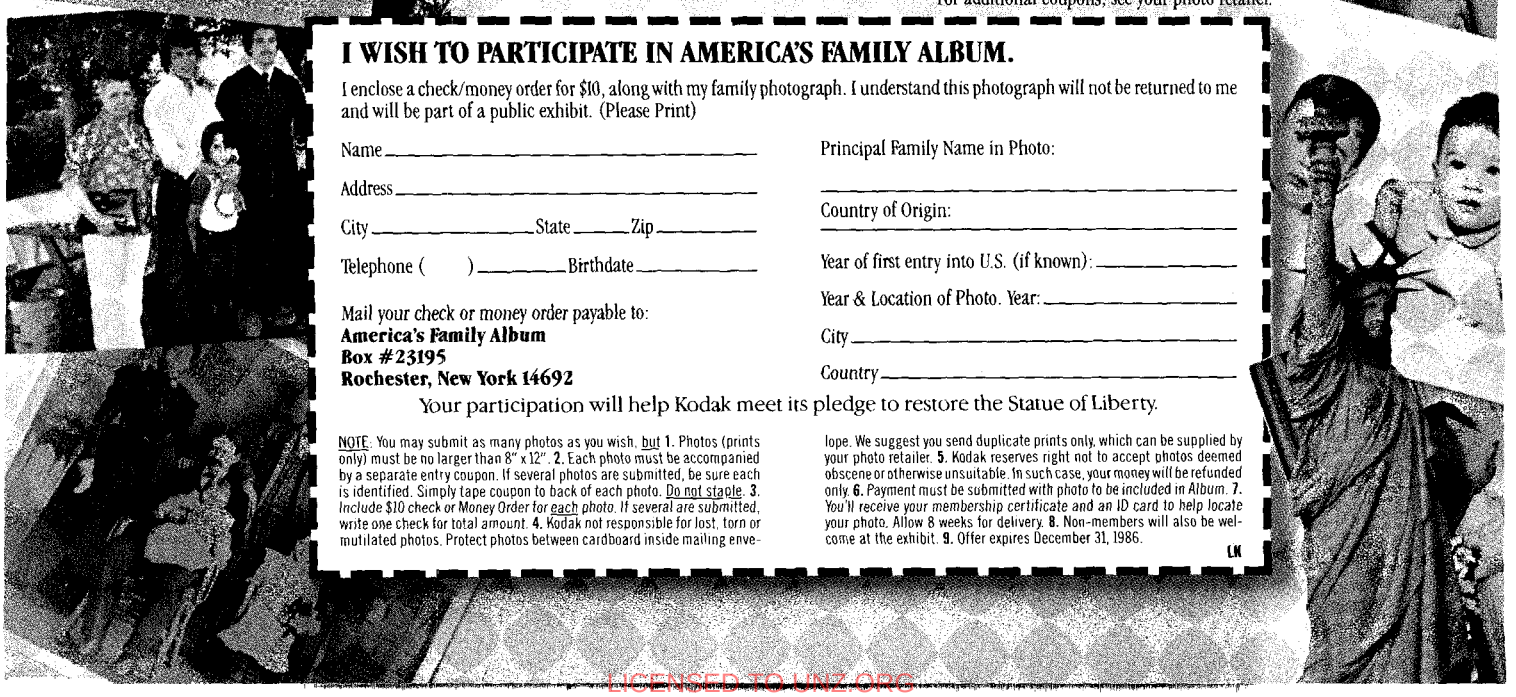

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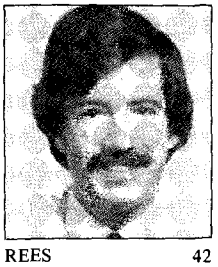
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Cover design by Colleen Lawlor

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# LETTERS

## Christmas Gift

NATIONAL REVIEW's January 11 issue was a pleasure—it is nice to have one magazine that recognizes that Christmas is about something deeper than presents, parties, and business volume.

Robert Allen's article on St. Augustine was interesting, and especially so in the light of Anthony Harrigan's article, "Ignoring the Past." Mr. Harrigan reminds us that " 'The communication / Of the dead is tongued with fire beyond the language of the living.' " And Mr. Allen speaks to us on behalf of one of the dead. In doing so he really accomplishes something. It would be splendid if we all went out and read Marcus Aurelius and Augustine, but most of us won't. Reading about Augustine may not be as good as reading his words, but in some ways it is more instructive. I now have a sense, which I am sure that I could not get from a stiff translation of Augustine's ornate Latin, of his human qualities, qualities that transcend vast differences in time and culture. For those of us who are tempted to think that our culture is uniquely decadent, it's good to be reminded that the struggles have always been the same.

*Hugh Addison*
*Baltimore, Md.*

The Christmas issue was, really, a luminous gift of the season, the equal of any of the three traditional balms associated with the Wise Men. I have reason to know that it was not a central editorial insight to shine *NR*'s light in quite the comprehensive way it shone in that issue, but consider: *NR* celebrated St. Augustine, in a magnificent essay. And the venerability of that which is venerable in another essay. We were reminded of the thought and influence of John Henry Newman. Reminded that Samuel Johnson was probably the greatest modern man who ever lived, and that Shakespeare is never, ever, fully penetrated. *NR* celebrated the living: Friedrich Hayek, Russell Kirk, Anthony Powell. And on top of that, fun & games, smiles and cold stares, at subjects risible and deathly. How grand it is to have NATIONAL REVIEW! Sometimes, like for instance right now, it makes me dizzy with gratitude to the dozens who put it together.

*Wm. F. Buckley Jr.*
*New York, N.Y.*

## On Target

Priscilla Buckley's article about duck shooting on the Santee-Cooper [Jan. 11] is correct in almost every particular. I did have a moment of doubt as to where we were. Just a moment. It was right cold—19 degrees. Mr. Buckley did fall in the water over his head, which is not unusual for Mr. Buckley. He is almost always over his head, I have learned. He walks around that way. But that morning he shot at four drake mallards with my pump gun and kilt all four. Which, to tell the truth, is not usual for him.

Won't you come back next Christmas?

*Harry, Guide*
*Santee-Cooper, S.C.*

## Don't Shoot

In "The Week" for November 30 you stated: "We have declared Minnesota illegal. The bombing starts in five minutes."

I can take a joke, but what few people know is the "final" tally, which appeared in the November 29 *St. Paul Pioneer Press*. Fritz took this frozen tundra by just 3,761 votes. That's less than one vote per precinct.

Our state bird may be the loon, and certainly Walter is a little loony, but there are 1,032,603 of us out here pulling for the Gipper.

*Charles F. Priore Jr.*
*Northfield, Minn.*

The 49.5 per cent of voting Minnesotans who voted for President Reagan last November beg you to please reconsider before you invade our state. We were able to re-elect Rudy Boschwitz—not many of the "other 49" can claim two Republican senators.

Instead of invasion, I offer two possible solutions. 1) A blitzkrieg of propaganda bombs (filled with NATIONAL REVIEWS, of course); the heaviest salvos should be concentrated on St. Paul, Minneapolis, and Duluth. Or 2) give us "*contras*" four more years to get at least 1 per cent of the voting public to change their minds.

On the other hand, what other state can boast three Americans—Mondale, Humphrey, and McCarthy—who were instrumental in the election of Republicans in three of the last five presidential races? Maybe you should just leave us alone.



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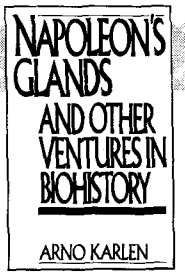


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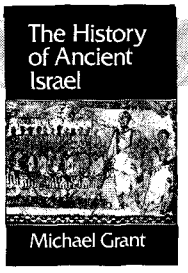


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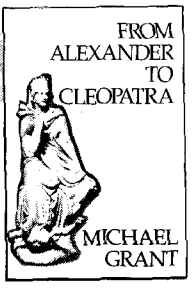


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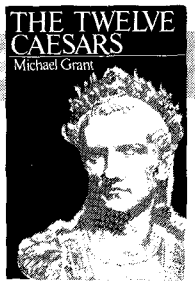


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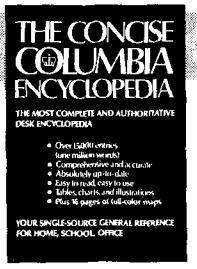
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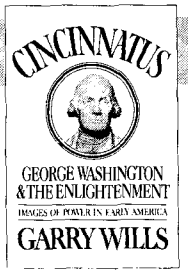


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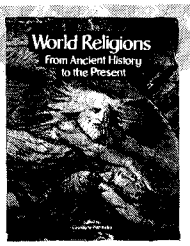


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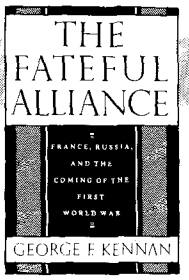


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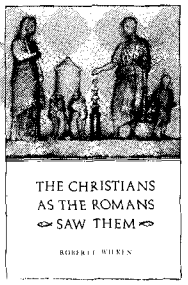


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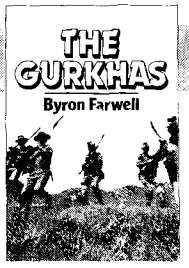


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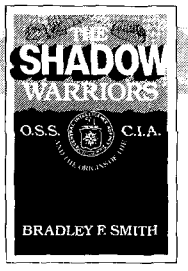


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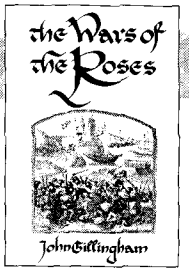


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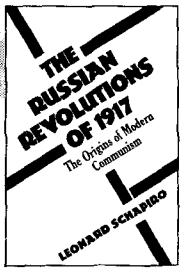


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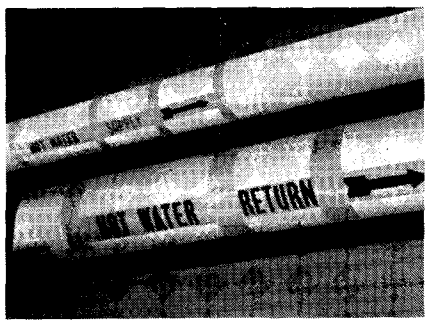


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## Gender Grievances

George Gilder may not want his son to be told that he needn't be masculine ["Still Different," Nov. 30]. But I don't want my daughter to be told that "Greater male aggressiveness . . . assures that men will tend to dominate . . . in every social institution outside the family order itself (where the sexual and procreative superiority of women dictates their leading role)."

George Gilder fails to see the difference between Gloria Steinem and Margaret Thatcher. The former harps, but the latter acts. Am I mistaken in sensing that George Gilder deplores both of them? He seems to either disapprove of or, worse yet, ignore the Mrs. Thatchers of the world when he says, "Masculinity gives courage and vitality to the fight for justice and compassion, for the ideals that the society cherishes. There is no sign anywhere in any society that women in general are willing or able to perform these roles."

Nor do I share Mr. Gilder's disparaging opinion of men, who he claims suffer from "sexual inferiority." Maybe Mr. Gilder suffers from sexual inferiority, but my friends don't. Even as a feminist (in the Margaret Thatcher sense), I will confess that I've always rather liked men. With the recent exception of Mr. Gilder.

*Laura Johannes, Yale '87*
*New Haven, Conn.*

George Gilder always writes engagingly, with good manners and usually with good sense. But in "Still Different" either he is naïf or he is kidding. Can he really suppose that the sexual initiative is with the male? When I was 18—65 years ago—we used to say, "He chased her and chased her until she caught him." The hen in the barnyard runs and runs, but not fast enough nor far enough to defeat nature's purpose. Mr. Gilder should reread book three, chapter five of Montaigne's *Essays*—long, but worth close study.

*Stephen B. Strang*
*Meeker, Colo.*

## Bravo Buchanan

Your magazine features many good articles, and some of them are excellent, over the range of national and international issues, and I only wish the word could find its way to the eyes of all Americans. I want to particularly com-



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mend you on Patrick J. Buchanan's superb historical review, present analysis, and prescribed future course in the matter of Soviet relations, in "If Not Détente" [Nov. 30]. I know that some of the specifics he covered have appeared before by various analysts, but Buchanan's article put it all together and presented the whole range of the problem succinctly and, at many points, eloquently. It deserves reading by every American—and especially every Democrat (most of whom do not have the sense to expose themselves to things like this).

*John W. Harris*
*Front Royal, Va.*

## Fitting Words

WFB's column "Tootle Them with Vigor" [Dec. 28], which included the amusing advice to motorists in Japanese English, reminded me of a sign my mother once spotted in the window of a ladies' clothing store in Kobe (circa 1922). It read: "Ladies to have fits in the behind room."

*Peter Rawn*
*Seattle, Wash.*

## Capitalist China?

Concerning Maurice Stans's article, "Running Dogs of Capitalism" [Dec. 14], two comments—one general, one particular.

1. Whom are we trying to kid? Ourselves? I hope nobody else is listening.

2. "The question of population has been attacked by allowing only one child per couple, an edict that is strictly enforced by a system of penalties for violators." This remark was set in an approving context, in a paragraph citing positive accomplishments of the Brave New China. Well, I suppose you could call abortion a "system of penalties" accurately enough. But by what logic do we call unborn infants "violators"?

*Diana N. Shaw*
*Mobile, Ala.*

## Out of Touch

Both Mr. Bethell and Mr. Buckley [Dec. 14] wrote perceptive analyses of the U.S. Catholic bishops' draft letter on the U.S. economy and social justice. But I would hasten to add a caveat for the bishops.

In their fervor to teach Christ's message, the bishops ought to be careful not to lose touch with their own church—in particular, the *sensus fidelium*, or the learning church. Bear in mind that the credibility of the teaching authority of the Church was severely undermined by the publication of *Humanae Vitae*, when vast segments of the (then) faithful could not reconcile their own personal conscience with the teaching of the



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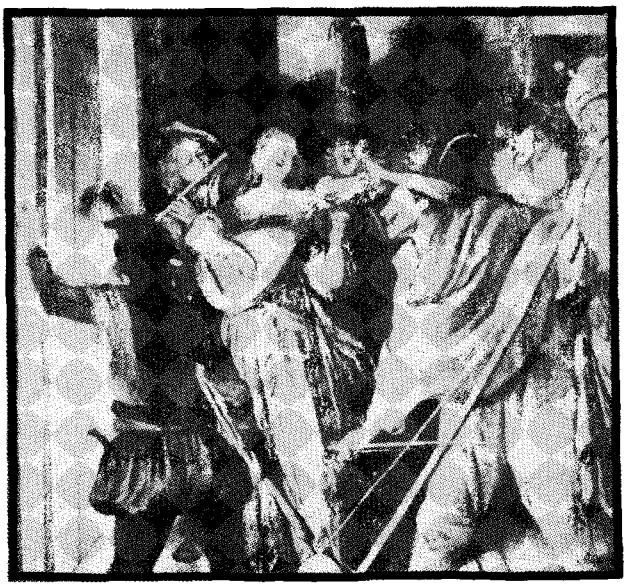

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Church. Religious practice among Catholics fell off sharply, and the Church entered upon a steep decline by almost every measure.

There is no doubt that the American public has become more conservative, and Roman Catholics have been part of that trend, with 55 per cent of us voting for President Reagan in 1984.

While the bishops can not be asked to make their moral teaching a matter of popularity, the bishops should be humble enough to ask themselves whether their followers know something that they do not know. Or perhaps, they should at least ask themselves why their followers think what they do before issuing a major document that flies in the face of a significant segment of their laity.

*Peter J. Gummere*
*Cresskill, N.J.*

## Social Thought v. Socialism

Tom Bethell's generally good exposition of the Catholic bishops' draft letter on the U.S. economy ["Prophecy at the Hilton," Dec. 14] contained one major error. The term "distributive justice" is not "taken from modern socialism," but from Aristotle. Later, it became a central part of Catholic social teaching. Bethell is right, however, in sensing that the way in which the bishops have used the term seems more akin to socialist analysis than the social tradition of the Church.

*Robert Royal*
*Arlington, Va.*

## Moral Misjudgment

As you curiously continue to puff the alleged glories of *The New Republic* ["*The New Republic* at Seventy" in "The Week," Dec. 28], you might mention its stand on abortion, the crucial issue of our time. Much is made of the Holocaust in the magazine, but the editors have chosen to accept the "silent holocaust," whose victims now exceed 16 million. Forgive me if I'm unimpressed by *The New Republic*'s repeated claims to high insight and moral truth. Its endorsement of Ferraro-Zaccaro's double-talk persuaded me not to renew my subscription.

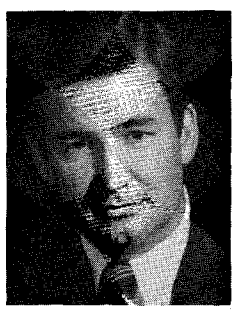
*Thomas C. Reeves*
*Racine, Wisc.*

## Crucial Constitutions

Achieving the twin objectives of economic advancement and population stability does indeed demand freer, more market-oriented economic policies. On this point, James Buckley's article, "All Alone at the UN" [Dec. 14], hits the mark. But it is not the only way or the only method of achieving these objectives. Nor will market-oriented economic policies succeed all by themselves.

Basic to both an improved economy and a stable population is a working democratic constitution. It is only by securing property rights, by limiting the scope of expropriation, etc., that we provide the framework to encourage and safeguard economic development. It is by providing for and maintaining equal rights for women that we enable the female sex to advance education and to enter politics. And it is when women are educated and political that population stability is achieved. It is the same with the problem of human rights. We must start to think of human-rights violations as symptoms. The underlying disease is the failure to establish and maintain constitutional government.

*Albert P. Blaustein*
*Professor of Law*
*Rutgers University*
*Camden, N.J.*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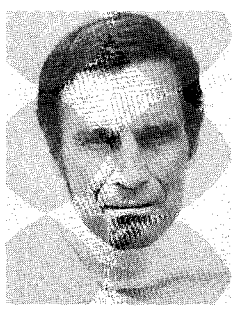
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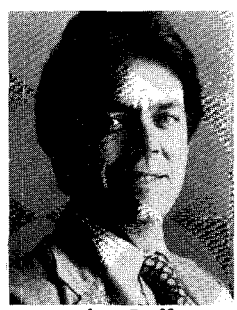
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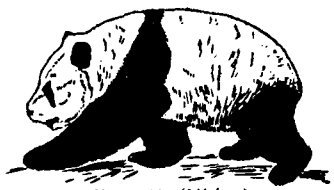

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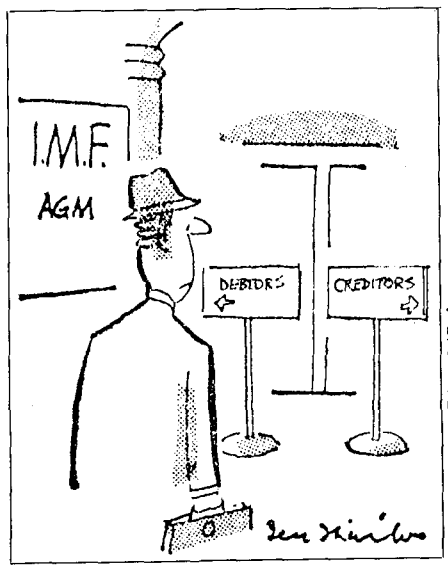
# FOR THE RECORD

Two months later, the last return has been filed and counted, the election is certified. **Ronald Reagan** won second largest popular vote margin of all time—only **Richard Nixon** ran better, against **George McGovern**—and racked up 525 electoral votes to **Walter Mondale**'s 13. Mondale took Minnesota by fewer than four thousand votes, of two million cast. . . . In state legislatures, it now develops, the GOP did much better than in Congress, gaining 307 seats, scoring particularly well in North Carolina, Georgia, Florida, Texas, and Connecticut (where they took both houses). . . . "Dramatic increases in conservative/GOP strength occurred in every region of the United States," says the American Legislative Exchange Council, "moving some political analysts to suggest that indications of a philosophical realignment in the states are in evidence." . . . On Democratic side, real pros continue to be gloomy. Former Democratic National Chairman **Robert S. Strauss**, who put **Humpty-Dumpty** together again after McGovern debacle, says special interests have captured the party. Strauss adds: "Do you think labor is going to turn the party loose? **Jesse Jackson**? The others? Forget it."

You guessed it, **Richard Viguerie** is not happy about major White House shifts. **Donald Regan**, he says, was "not on any conservative short list for chief of staff." And **Paul Weyrich** adds: "The old order needed to change. But that doesn't mean [it has changed] for the better." . . . It could mean that the leaks may be plugged up, though. *Washington Post* quotes a former Treasury aide who says of Regan: He believes that once a decision is made, "if you're going to be for that team, you're going to support that decision, or you get the hell off the team." . . . White House conservatives not sorry to see **Richard Darman** following his old boss **James Baker** to Treasury (Darman has been named Deputy Treasury Secretary). . . . *U.S. News* hints that former Treasury aide **Ann Dore McLaughlin**, now at Interior, could land White House job. . . . Departure of **Faith Whittlesey** from WH to Bern, as ambassador, another blow to hard-line conservatives. She will replace the very effective and popular **John Davis Lodge**, due to retire at 81 years of age.

Final year-enders: Freedom House, in its annual tote sheet, finds 42 per cent of world's population living in countries whose governments repress civil and political liberties, up one percentage point from year earlier. Biggest gains in liberty last year scored in Latin America. Among the most oppressed peoples are those in: **USSR**, **Ethiopia**, **Afghanistan**, **Bulgaria**, **Cambodia**, **Laos**, **North Korea**, **Iraq**, and **Chad**. (All but Iraq and Chad are Marxist states.) . . . *Christian Science Monitor* points up interesting change over last decade. Today, it says, most insurgencies are insurgencies of the Right (Afghanistan, **Angola**, **Mozambique**, **Nicaragua**, Ethiopia). . . . In the U.S., Department of Education reports private-school enrollment is up 11.5 per cent in last four years, to 5.3 million students in 24,500 schools.



Shailo, London *Daily Telegraph* / Rothco

Events on the Right: *Human Events*' fortieth anniversary issue—big, informative, colorful—was well worth waiting for. . . . **David Keene**'s American Conservative Union celebrated its twentieth birthday at Washington's Mayflower Hotel January 20, with auction of conservative memorabilia. . . . On February 24, ISI is running important seminar on "The Loss of the Sacred in the Modern World," at Columbia University Law School, 2:00 to 6:00 P.M., with **Richard John Neuhaus**, **James Hitchcock**, **Thomas Molnar** as featured speakers.

While **Teddy Kennedy** was raising a ruckus in South Africa, West German parliamentary leader **Jürgen Todenhöfer** of the Christian Democratic Party made a visit to Afghanistan and called on the world to stop the genocide he witnessed there: "The Soviet Army was using combat aircraft to level civilian villages to the ground. They were crippling Afghan youths physically and mentally with cruel torture. They launch mines that look like butterflies from helicopters, which don't explode when they touch the ground, but explode when children who think they are toys touch them." . . . In article in London *Sunday Times* **Alan Paton** (*Cry the Beloved Country*) took on **Bishop Tutu**'s repeated calls for disinvestment (the campaign to get U.S. industry out of South Africa). He said: "I do not understand how you can put a man out of work for a high moral principle. . . . You could make a family go hungry so that some high moral principle could be upheld. . . . You come near to saying that the end justifies the means, which is a thing no Christian can do."

From **George Bailey**'s *Armageddon in Prime Time*, the story of how the editors of the *Great Soviet Encyclopedia* went about their act of purification when **Beria** was liquidated in 1953. They sent all encyclopedia owners a razor blade with instructions to cut out two pages on Beria and replace them with two new pages on the Bering Sea.



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# THE WEEK

☐ Did you hear what the liberal said to the mugger? "Thank God—for a second I thought you were a vigilante!"

☐ What has emerged from the Manhattan DA's investigation of John Zaccaro seems pretty dicey: an improper $500,000 loan for a deal he was brokering, a fake sales contract in another deal, misrepresentation of property values, claiming assets of $21.6 million when the truth was $4 million, paying his end of a deal with $80,000 from an old lady's estate of which he was conservator. Zaccaro plea-bargained down from four counts to one and pleaded guilty, thus virtually guaranteeing the confirmation of Ed Meese, who ought to get his cuff links back.

☐ YOUR TAX DOLLARS AT WORK. "The San Francisco Mime Troupe, a group identified with the activism of the 1960s, is barnstorming the Middle West with a strong message about industrial decline. . . . The message [of its new play about plant closings] is an old one for the troupe: The economic system works for the few, not the many; companies exploit their workers, and workers and members of minorities must band together. . . . [Troupe member Daniel] Chumley said: 'We've been accused of being cheerleaders of the Left. But cheerleading has an important function. A lot of people who share our views feel isolated, and we provide them with much needed encouragement.' . . . [The performers'] salaries are to rise to $250 a week because of a $90,000 grant by the National Endowment for the Arts . . . Troupe members said they would not change their tone as a result of federal support. 'We'll bite the hand that feeds us,' Mr. Chumley said."—From a *New York Times* account.

☐ President Reagan's nomination of William Bennett to be the next Secretary of Education deserves an ovation. During his tenure as chairman of the National Endowment for the Humanities, Bennett has been wonderfully courageous, and it tells you something that his soundness was the element that required courage. He favors tradition over fad, Shakespeare over graffiti. He has taken a principled stand against reverse discrimination, refusing to apply racial and gender criteria at the NEH. For this he has been excoriated by those who, if they cannot get it on merit, want it anyway. He has been a force for intellect in the national discussion of education. If a Department of Education is to exist, he is the ideal Secretary, and have you noticed that in the U.S. today more than eighty colleges are awarding bachelor's degrees to students who have majored in Peace Studies?

☐ No one wants nuclear war, but the way to oppose it is not to use nonscientific scare tactics. General Daniel Graham (High Frontier) has taken Dr. Carl Sagan to task for quoting a Swedish World Health Organization doctor who predicts 1.1 billion deaths in a nuclear exchange. This is preposterous, says General Graham, and a scientist of Dr. Sagan's stature is "not entitled to such naïveté." "What the Swedish doctor did," says Graham, was make "a simpleminded distribution of total world megatonnage evenly over the most heavily populated places in the world with Calcutta, Bombay, Rio de Janeiro, Lagos, et al. getting their 'fair share.' If every soul in the Soviet Union, Europe, and North America was killed outright, it wouldn't add up to 1.1 billion." Sagan should know better, and probably does.

☐ Sandinista officials insist that U.S. planes are causing sonic booms over Nicaragua, but Sonia Periera, a seamstress in San Judas, gave the *Los Angeles Times* a more accurate explanation: "The first time I heard it, I thought a mango had fallen on the roof." No word yet from the World Court on whether the use of mangoes is a violation of international law.

☐ Mr. Melvin Belli has sued Union Carbide for $15 billion on behalf of the Bhopal victims, which would

## Teddy Blows Town

With Bishop Tutu fighting tears
And tour guides covering their rears,
  I'd have to rate
Ted Kennedy's apartheid blitz
A sign he ought to call it quits
  For '88.

W. H. VON DREELE



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## LETTER FROM WASHINGTON

THE CONSENSUS on Capitol Hill is that the Shultz/Gromyko summit was a major boost for Ronald Reagan, and this for reasons that have nothing to do with the conclusions reached there. The meeting left the perception among rank-and-file Americans, who have no real knowledge of or interest in the details of arms control, that we are getting along with the Russians at last. This impression goes down well, especially among women, who tend to be more edgy than men about nuclear war. The lesson that the White House is reading in this is that dialogue is as good as agreement, inclining Mr. Reagan to opt for long talks with the Soviets rather than short ones. When the President goes to Capitol Hill to give his State of the Union address, watch for him to get an uncommonly warm reception, thanks principally to Geneva.

The simple double shuffle of Donald Regan and James Baker rocked the Capitol and set off clouds of speculation as to whether Regan is up to it, who are the winners and losers, is conservatism hurt or helped, and other more arcane queries. As has been published, Mr. Regan proposed the change to Jim Baker and Mike Deaver about six weeks ago, and the matter was held closely by the three. But the official version that the President knew about the two men's desire to change places for only some 48 hours before announcing it is a canard. Actually, Nancy first, then the President were both plugged in by Deaver in the earliest stages. Neither Ed Meese nor Bill Clark, however, had advance notice, except for some twenty minutes or so, which tells you something about who's in and who's out.

The shuffle has left movement conservatives here generally approving, but with certain residual doubts and a certain measure of astringent wait-and-see skepticism. Regan is an old Wall Streeter, and distrust of the Street dies hard with older GOP conservatives who remember the battles with Nelson Rockefeller, Tom Dewey, Bill Scranton, and others. Some are dredging up Mr. Regan's 1980 personal campaign donations to Jacob Javits ($1,000), Patrick Moynihan ($2,000), and Jimmy Carter ($1,000), seeing these as very much in character for a both-sides-of-the-street financier whose values are rooted more in pragmatism than in principle.

Yet Donald Regan carried more water for the President during the first term than anyone else, through fair economic times and foul, unflaggingly, cheerleading ("The economy will come roaring back!") all the way. New Right leaders are indisputably ecstatic over one thing—the removal of their bête noire, Jim Baker, as chief of staff—failing to see, apparently, that as Treasury Secretary, Mr. Baker will be less than one block away.

Regan is expected to centralize the White House staff more stringently than troika-member Baker was able to do. Some insiders think the White House management lineup may well look like this: Chairman of the Board, Mr. Reagan; President and CEO, Mr. Regan; Chief Operating Officer, X. Certainly ex-Marine Regan will quash the backbiting (and frontbiting) that so riddled the first term.

On the other hand, a Hill Reaganite laments: "Under Regan, social policies will stay on the back burner," adding that this comports well with Majority Leader Bob Dole's notion that such issues are largely irrelevant anyway. Tax reform will probably be helped considerably by the shuffle, with Regan pushing his own version. Conservatives in the House, by the way, are eager to join the new chief of staff in this effort, but are waiting for Jack Kemp to cue the mobilization.

Another dramatic personnel shift occurred in the Capital of late, with Wisconsin Democrat Les Aspin taking over from eighty-year-old Mel Price (D., Ill.) as chairman of the Armed Services Committee, despite Aspin's being only seventh in seniority. One unnoticed sidelight on Aspin's accession is that the eight-term Democrat has taken himself out of the 1986 Wisconsin Senate race against Republican incumbent Bob Kasten. With his flair, quick-wittedness, and copious national exposure from the MX compromise of last year, Aspin would have been Kasten's most formidable challenger. Now it looks as if the Wisconsin incumbent will face Democratic Governor Anthony Earl, over whom he now holds a twenty-point polling lead. Which is another reason why savvy political operatives here are predicting that the GOP will hold onto the Senate in '86, a shift from their contrary consensus of a couple of months ago. Thank you, Les.

—CATO

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seem to work out to 15,000 to 25,000 years' wages per victim, if you don't take Mr. Belli's fee into account. Meanwhile, staffers at Bhopal's largest hospital, perhaps sensing the opportunity of a lifetime, chose the moment to go out on a wildcat strike, greatly hindering treatment of the injured. So far, only Mother Teresa has been able to draw the not-very-fine moral distinction between a tragedy and an opportunity.

□ The Seychelles, a small cluster of islands in the Indian Ocean east of Kenya, were French until the English took them in 1794, and English until Albert René and a cohort of armed Tanzanians put the islands under Communist control in 1977. Lately, with the prospect of Moscow's losing its naval base to the south on Madagascar, the Seychelles have been buzzing. East Germans have set up three radar posts to keep an eye on American operations in Diego García, six hundred miles east. North Koreans are beefing up the Tanzanian bodyguard. Cubans are doing donkey work. Libyans are pipelining Soviet weaponry. Soviet ships operating out of Aden (Communist Yemen) are refueling at the Seychelles. Aside from the small French force, the Soviets maintain the only permanent naval presence in the Indian Ocean. The Seychelles guard the tanker routes between the Persian Gulf and the Cape of Good Hope. Living standards are down, oppression is up, a tenth of the people have fled. South African tourists no longer visit the splendid



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## OPEC, Sinking Fast

Not dead as a doornail, perhaps,
But surely as white as a sheet
As mullahs start practicing "Taps"
And Westerners turn up the heat.

W. H. VON DREELE

beaches, and cruise ships no longer put in. Grenada East.

☐ NOT BY GRAIN ALONE DEPT.: Ethiopia has the distinction of being the first country on the African continent to boast a monument to Karl Marx. According to *Rude Pravo*, the Communist Party daily of Czechoslovakia, the monument is the work of two East German sculptors. It was recently unveiled in the Ethiopian capital of Addis Ababa. Perhaps the most appropriate touch of all is that the monument to Marx is done in the style of traditional Ethiopian tombs. With or without a monument, most Ethiopians have already made the connection between death and Marxism.

☐ China has initiated a massive purge of its Communist Party's "radical Left," and announces a record-shattering grain harvest so huge that farmers are having to use their homes for storage. They're learning. We could use a dose of that ourselves.

☐ Mr. Oleg Bitov, who conspicuously defected to the West and announced that the KGB had had nothing whatever to do with trying to kill the Pope, is back in Moscow and lo! at his old job with the *Literary Gazette*. The Soviets are very forgiving to repentant defectors these days.

☐ In a "rare admission," the Soviets say a "heinous crime" has been committed in Afghanistan, namely, the other guys shot at *them*. Right in peaceful, untouched Kabul. According to the Soviet statement, ". . . the bandits fired surface-to-surface missiles of American and Chinese make at Kabul from a long distance." But if it was from such a long distance, how did the bandits manage to aim at "crowded areas" of the city, as the statement claimed?

☐ Since their country shares no land border with the Free World, Poles can't vote with their feet, but this doesn't stop them from voting. The Polish government runs a highly profitable ferry service that stops at ports in both the East and the West, and ever since the declaration of martial law in 1981, Poles have been taking the ferry to the West. What was once a trickle has now become a hemorrhage. In the past two months more than five hundred Poles have left the ferry and requested asylum in West Germany. The fact that the Polish government hasn't halted the ferry has prompted speculation that General Jaruzelski has found a profitable way to bid farewell to troublemakers. As for what accounts for the recent upsurge in refugees, many Poles link this to the slaying of Father Jerzy Popieluszko. He wasn't the first Solidarity activist to die in mysterious circumstances, but he was the best known. One of the recent refugees gave a reporter a straightforward account of the problem: "This Popieluszko case was not an isolated one. Ordinary people do not feel safe in Poland. Murderers are in power."

☐ The Chinese claim great success for a decidedly nonliberal anti-crime campaign begun last year. Crime rates "plunged," says Peking, after more than five thousand criminals were shot. "It is good to have some people executed," says an official communiqué.

☐ We've *finally* found a minority that doesn't have any rights. A Gallup poll has discovered that 40 per cent of American Catholics would welcome the Latin Mass back.

☐ We certainly cannot accuse the U.S. Catholic bishops, unlike the Supreme Court, of following the election returns.

☐ ONE GOOD DISAVOWAL DESERVES ANOTHER DEPT.: The scene as described by the *Daily Pennsylvanian* is an auditorium at the Harvard Divinity School. Harvey (God is dead) Cox introduces the Reverend Jerry Falwell in the following terms: "Please understand that my presence here tonight should in no way be understood as an endorsement of what Falwell represents." To which Reverend Falwell replies: "Thank you, Mr. Cox. Students, please understand that my speaking here tonight should in no way be construed as an endorsement of the Harvard Divinity School."

☐ *New York* magazine devoted its holiday issue to sundry aspects of "The Style of New York," but we think this personal ad, tucked away on p. 203, says it best: "Handsome, Successful Jewish Man—40, seeks warm, secure woman, 27-35, who can understand the inconveniences of herpes and still love the man behind the problem. . . ."

☐ In case you would like health and welfare benefits for your "live-in lover," you will doubtless wish to take a job with the city of, what else, Berkeley, California, where such benefits are, what else? charged to taxpayers.

☐ A first. Oh, indeed, very definitely, decisively, a first. A construction workers' union in New Jersey



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went on strike against a contract that offered them "too much money." "It was irresponsible. It would have just about priced us out of the market," said a union spokesman. Management caved in after only one day, offering a two-year contract at $1.60 less per hour, and the threat from non-union people willing to work for less than $25 an hour or so may have been averted. Maybe.

☐ In 1983 (the last year for which there are figures) there were five executions and 19,308 murders. Guess which statistic prompted Tom Wicker to employ the word "bloodbath."

## A Good Time in Geneva

A GOOD TIME was had by all. When George Shultz and Andrei Gromyko finally kissed and made up in Geneva, the only real suspense was over which one would exude the greater warmth to the network cameras. In this contest of good wills, Gromyko took second place, while Shultz came in next to last. *The Economist* captured the essence of the talks in its cover photo of a dour-looking Gromyko sitting beside a poker-faced Shultz. Dubbed in above the photo were their thoughts. Gromyko: "We must go on meeting like this." Shultz: "Yes, it's such fun."

Fun it was, but momentous it was not. If media hype and network euphoria could substitute for good will, then the millennium began on January 7. The truth of the matter is that Geneva brought forth an enormous mouse. The United States and the Soviet Union did not agree to agree, but only to talk—to return to Square One. Thence begins the long journey to world peace—or, more likely, back to Square One.

Winston Churchill was way off in his famous description of Soviet behavior as a riddle wrapped in a mystery inside an enigma. The Soviets' motives are generally not at all mysterious, and this is certainly true of their decision to return to Geneva. First, Moscow needs a forum from which to trumpet yet another peace offensive throughout Western Europe. The last peace offensive fizzled when NATO went forward with its planned deployment of U.S. missiles (the Kremlin promptly packed its bags and left Geneva in a huff). When 14 months of sulking failed to de-elect Ronald Reagan or traumatize serious Europeans, the Soviet leadership decided to talk peace again.

Second, the Soviet Politburo is genuinely frightened by Reagan's Strategic Defense Initiative, which threatens to bury Soviet strategic superiority with American technological ingenuity. The SDI is shaping up as the chief target of the new Soviet peace offensive. Fortunately, this issue is not as emotive to U.S. allies as was the Euromissile dispute, so the Kremlin's propaganda on this score is likelier to sputter. If there is one U.S. defense program that might persuade the Soviets to negotiate seriously for once, this is it.

Finally, the Soviet leaders, good Bolsheviks that they are, probably surmise that "objective factors" will force Reagan into signing a hasty, perhaps lopsided, agreement in his second term. After all, Congress is on the verge of killing the MX missile unilaterally, slashing funding for the SDI, and scuttling the defense build-up on the shores of Deficit Island. Soviet propaganda will seek to feed this anti-defense sentiment, hoping to win via the back door what it cannot win at the bargaining table.

Reagan may, in fact, have painted himself into a corner during the election year by letting Mondale define the issue of arms control in terms of the Administration's failure to sign an agreement. The real issue should have been why Mondale was so eager to negotiate with a power that had massively violated previous agreements. Now Reagan seems determined to demonstrate his commitment to peace by in fact negotiating an arms-control agreement with the USSR. This is precisely the kind of presidential eagerness that led to unnecessary U.S. concessions in SALT I and SALT II. When dealing with Moscow, there is no substitute for reasoned, reasonable take-it-or-leave-it.

## Four Questions about The Treasury Tax Plan

*Oh, that thing? Isn't that dead by now?*

Say not that it is dead; it only sleeps. In fact when it wakes up it may be, like Sleeping Beauty, more charming than ever. Right now Treasury is negotiating to make the plan more attractive to business, and for once "negotiation" may not mean "sellout." The compromise may ease the plan's too-harsh treatment of capital gains, at the expense of curtailing relief for corporate dividends, which was a good idea but a big revenue loser. As Donald Regan said when informed of the business community's complaints: "Are they just coming in to bitch or are they bringing in some numbers? We've told 'em all, and we should tell 'em again and again, 'Don't whine and whistle. Bring us evidence that we were wrong, and we'll listen.' "

*Why was the plan so mean to business in the first place? Doesn't it undo the 1981 Reagan business tax cuts?*

This is a line we hear from both liberals and businessmen, for quite different reasons. (The former want to embarrass Reagan, the latter just want better tax treatment.) On the central issue of depreciation, however, the new plan would be a logical extension of the old. Four years ago inflation was creating a tax bias against corporate investment by making historical measures of asset value meaningless. The 1981 law



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compensated for that bias—but when inflation itself came back down, the depreciation schedules wound up overcompensating for nonexistent price rises. The Treasury plan gets off the roller coaster by introducing explicit inflation adjustment. The thing to remember about both depreciation and the investment tax credit is that, although discriminating against investment is disastrous, discriminating in its favor is not good either; both ways distort a firm's choice between equipment and things that substitute for it.

*Don't change the subject. Why can't Treasury come up with a plan at least as good as the Democrats'?*

You're not serious. The Bradley-Gephardt bill does beat Treasury's in one respect: Its top tax rate is 5 per cent lower for individuals and 3 per cent lower for corporations. But it also abolishes indexing, the most important conservative reform of the past four years. Nor does it help taxpayers by indexing capital gains, interest income, or depreciation. Both Bradley-Gephardt and the Republican Kemp-Kasten bill would abolish income averaging, a pro-taxpayer provision that Treasury would keep. And Treasury, unlike the others, would extend IRAs to homeowners and boost permissible IRA contributions to $2,500, providing lots of new funds for investment.

It's true that cutting the top rate further than the Treasury plan does would cost the government little if any revenue. That's one reason it remains the leading priority for sensible reformers.

*Speaking of which, though, won't the liberals just start pushing for higher rates as soon as they've wiped out our deductions?*

Yes. And everyone else will start pushing to get the deductions back. After twenty years, we might find ourselves back in the current mess. Then it will be time for reform again.

## Olly Olly Oxen Free

HERE ARE the new staff and Cabinet members who have come out of hiding, as of the middle of last week (all names and faces subject to change without notice): Mike Deaver and Bill Clark, old Reaganites from the California days (the latter attentive to conservative plaints and pleas, the former less so), have left for parts less harried. Around the Cabinet table, pending Senate approval, will be three faces familiar from elsewhere, though new in their forthcoming positions: Ed Meese at Justice, John Herrington (lately White House personnel director) at Energy, and William Bennett (from the National Endowment for the Humanities) at Education. Donald Hodel, an old-old face, will move from the Energy chair to the Interior chair. All four are tough, movement conservatives, not shy about expressing their opinions, which will affect, if only in atmospheric terms, not just their own departments but the entire conduct of government business. Leaving the Cabinet table is Donald Regan (Treasury), moving to White House chief of staff. Tipsters note approvingly his self-made background, a streak of audacity, the lack of a personal agenda, and his age (no ambitions). Taking his place at Treasury will be the man he replaces, James Baker, who is his opposite in all four of those qualities. But supply-siders detect some good in the Old Adam, or rather in Richard Darman, his former number-two man, who will be traveling with him, and who had lent them, in his old job at any rate, a surprisingly sympathetic ear.

So it goes within the Beltway, "the Senate's thanks, the gazette's pompous tale"; folding and unfolding, like origami. On every crucial decision—to give up space defense or keep it? to push for tax reform, or "tax reform" (= revenue enhancement = tax increase)? —the crucial figure will be, as he has been for the last four years, Ronald Reagan, who retains the same strengths, weaknesses, and traits that are both (the irresistible impulse to delegate, the knack for wearing the white hat). *Oremus*; and thanks.

## The New Principle

AFRICA IS NO stranger to famine. Neither is Marxism. In Ethiopia's case, the underlying factors of drought and exhausted soil have been exacerbated by all the usual failures of socialist agriculture. "After the overthrow of Haile Selassie in 1974," writes the Ethiopian correspondent of *The Economist*, "church and crown lands, which amounted to more than half the total arable land, were dished out haphazardly to the peasants, most of whom got plots of no more than a few hectares. The few well-run coffee and cotton estates were broken up. Huge state-owned farms were established," to which Colonel Mengistu, the strongman who finally ended up on top as dictator, gave "more than their share of seed, fertilizer, credit, and capital investment. The result [was] plenty of large tractors and machinery, but few projects of the sort

### Senator Dole's Elbows

James Baker got one yesterday
  And Donald Regan, too.
Jack Kemp is sore in places, while
  George Bush is black and blue.
He'll elbow in the cloakroom or
  A TV studio
And do it all so deftly (oomph!)
  That wives, alone, will know.

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the peasants need most: small dams, grain-storage pits and silos, simple irrigation channels."

What relief workers in the field have known for months, and what is only now beginning to trickle out to the general public, is that Mengistu's Marxist government has seized on the famine for political purposes. The hardest-hit provinces, Eritrea and Tigre, have been in revolt against the central government for years; none of the aid that flows into Addis Ababa reaches more than the handful of garrison towns that the government controls. Starving peasants who trek in for relief must show the correct papers, or die. The government uses much of the food it is given to feed its conscript army, or to resell, at a profit, to the Sudan. Government forces fighting the rebels meanwhile pursue a slash-and-burn policy. "The case," wrote the English *Spectator*, "that Colonel Mengistu is using British taxpayers' money to starve out rebel areas, indirectly to bomb innocent civilian targets in pursuit of his war aims and directly to oil the wheels of his bankrupt economy by selling food aid, is overwhelming."

"The old principle: Who does not work shall not eat," wrote Trotsky, "has been replaced by a new one: Who does not obey shall not eat." Ethiopia's Bolsheviks have learned the lesson.

## NY ♥ Bernie

When a New Yorker took the unprecedented step of shooting four muggers, the city's authorities reacted by screaming for everyone to keep calm and pouring 1,300 extra police into the streets. By the time Bernhard Hugo Goetz turned himself in nine days later, he was a popular hero. It transpired that he had been mugged once before, had applied for a pistol permit, had been refused; so he bought a gun in Florida, and when the four toughs "asked" him for $5—an unusually large sum to "ask" of a total and outnumbered stranger in a subway—Goetz replied, "I have $5 for each of you," and opened fire.

His trial should make it clear whether he acted reasonably, or excusably. Two of the youths were shot in the back; one was permanently paralyzed, has slipped into a coma, and may die. None had pulled out the screwdrivers they were carrying, which they said were intended only for breaking into video-machine coin boxes, not puncturing people who refused to yield $5 on demand. Goetz had no way of *knowing* that they were armed or that they had police records.

The overwhelming popular reaction in his favor, however, sent a clear message to the top: The most highly taxed citizens in the nation don't feel they're getting their money's worth from their government. The incident would never have occurred if the city hadn't been derelict in its first duty: providing safety from assault. Everyone seems to forget that that's a right. It is ironic that the city that wouldn't protect Goetz or allow him the means of self-defense is now preparing to prosecute him for defending himself.

## Meese and the Law

Edwin Meese, who is as honorable and selfless as any man in public life today, will apparently have to undergo one last bout of character assassination before his confirmation as Attorney General of the United States.

The report of the independent counsel charged with investigating allegations against Meese showed that he was guilty of violating no rule other than the one that might be called Metzenbaum's Law: That public office is the preserve of the very rich. Faced with a financial crisis when he was unable to sell his house in California after moving to Washington, Meese persuaded his bank to grant an extension of time for mortgage payments instead of foreclosing, borrowed money from his accountant and from a close friend, and eventually was able to sell his house. Some of the people involved in these transactions (like virtually everyone Meese knew well or did business with) were also friends of other Administration officials or of President Reagan himself. Several later received low-level government appointments through their other contacts in the Administration—not through Meese. In no instance was it found either that the business transactions were improper in themselves or that they had anything to do with the appointments.

A memorandum now being circulated by Common Cause, however, suggests that the independent counsel's report exonerates Meese only of *criminal* wrongdoing. The memorandum argues against Meese's confirmation on the ground that his perfectly legal business transactions gave rise to an "appearance of impropriety." But the appearance is in the eye of the beholder. Common Cause overlooks the fact that the very things that make it improper for government officials to engage in certain business transactions also make these transactions illegal. If, as the independent counsel found, none of these factors was present in any of Meese's dealings, it can only have been because they were conducted at arm's length and were therefore entirely proper.

*The Common Cause memorandum also makes much* of the fact that Meese—who has participated in meetings at which thousands of names were discussed for various positions in government, and whose office has received many thousands of letters—was in some instances unable to remember whether he had heard names discussed or read letters people said they had mailed to him.

Under the standard implicitly suggested by Common Cause, Meese was bound either to declare bankruptcy rather than borrow money to save his home,



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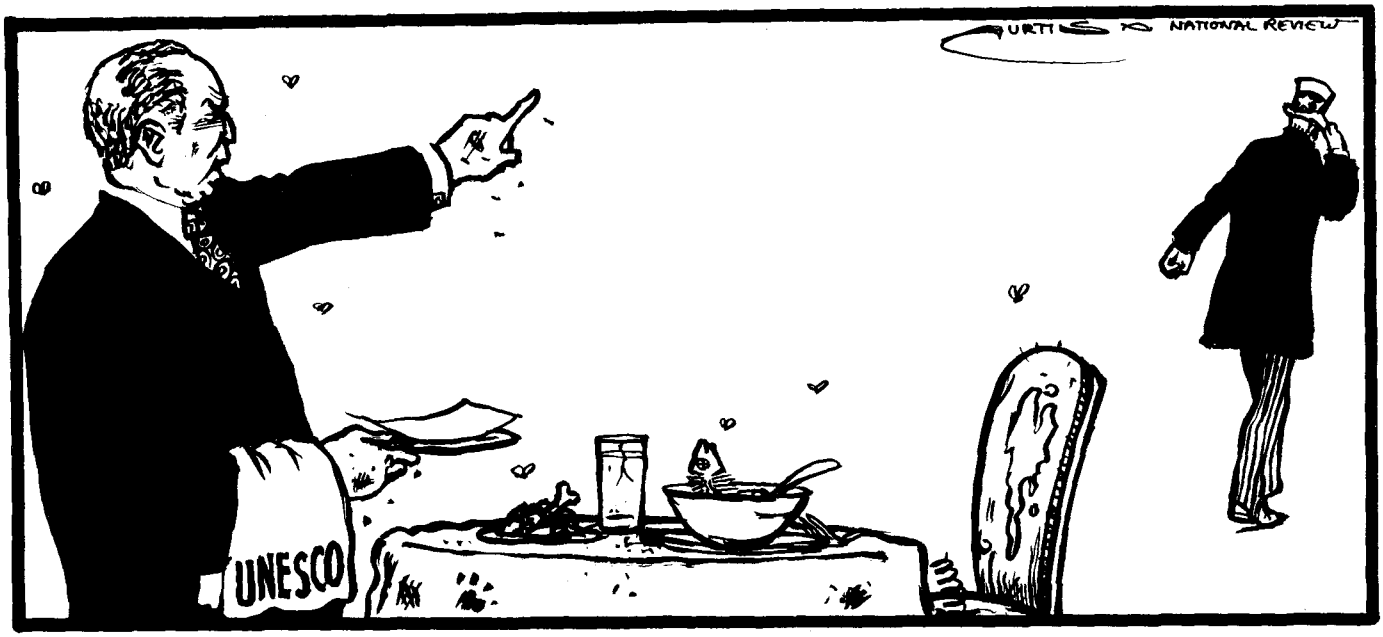


*"Hey! Who's going to pay the bill?"*

or to keep a list of the people with whom he did business in order to veto them in the event other people chose them for jobs for which they were well qualified. Official misconduct used to be made of sterner stuff.

## Teddy on Safari

SENATOR EDWARD KENNEDY, that moral beacon, has just conducted an eight-day tour of South Africa, thus joining an escalating campaign in the United States against the policy of apartheid. This campaign really has little to do with apartheid, which it is powerless to affect, or even with black African suffering generally. Thus Kennedy visited the starving Ethiopians, but did not denounce the Marxist regime in Addis Ababa that is substantially responsible for the starvation. He does, of course, denounce the regime in Pretoria. There are political dividends in doing so.

There are a couple of things to say about all of this. Robert Kennedy visited South Africa some twenty years ago and his visit was a political triumph. He was hailed as the Great Hope by many South African blacks. His brother no doubt expected a similar triumph, but it did not occur. Large numbers of blacks booed him and demonstrated against his visit, in effect attacking the "liberal" solution (whatever it is, maybe universal suffrage) to the South African problem. Bishop Desmond Tutu, whom Kennedy visited, backs the revolutionary program of the African National Congress, which supports violence, for all of which, naturally, the bishop got the Nobel Peace Prize. Kennedy got nowhere in his discussion with Foreign Minister Roelof Botha. In these specific circumstances, the "liberal" solution has no purchase on political reality.

But it has considerable purchase on American political reality, and one has the mind-numbing impression that Kennedy, God help us, may be running for President once again. Two vital parts of the old Democratic coalition, blacks and Jews, may be at each other's throats on a whole range of issues, but they can agree on attacking South Africa. South Africa thus becomes a *pis-aller*, the only item on an exhausted liberal agenda, a substitute for socialized medicine, for example, which Kennedy has not mentioned in recent years. His South African visit may thus be seen as an effort to export political bankruptcy.

## Happy Event

ONE OF THE few good things that happened in Washington while Franklin Roosevelt was there was—not entirely by coincidence—the founding of *Human Events*. At the time, it was a mere four-page newsletter, and it didn't have much influence even among Republicans. But it was devoutly read by growing numbers who appreciated the federal principle and economic freedom, even as these things were being battered by the New Deal. Political sanity had few more discerning champions in American journalism than Frank Hanighen, Felix Morley, William Henry Chamberlin, and Frank Chodorov.

Forty years later, *Human Events* observed its anniversary—in the White House. Its most prominent reader, Ronald Reagan, who began subscribing back in its newsletter days, saluted its current editors, Tom Winter and Allan Ryskind, and recalled the old days. Vice President Bush was also present. So were Jack Kemp, Caspar Weinberger, Phyllis Schlafly, Howard Phillips, Richard Viguerie, Strom Thurmond, Roy Cohn, Bob Kasten, William Rusher, John McLaughlin, Arnaud de Borchgrave, Reed Irvine, Faith Whittlesey, Edwin



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Meese, William Clark, Jay Parker, Frank Shakespeare, Bob Heckman, and a hundred other conservative luminaries, a gratifying number of whom had but to walk over from work to attend.

For a long time the powers that be ignored the little weekly, and it may have seemed to wield little clout. Actually, it was only wielding long-term clout, as serious ideas will. Now it has immediate impact too, for which we give thanks, along with our congratulations.

## Unsatisfactory People

**Ronald Reagan**, for screwing up in Minnesota and the District of Columbia.

**C. Todd Conover**, Comptroller of the Currency, for giving Continental Illinois a clean bill of health exactly one day before the Chicago bank ran to Washington for a bailout: "The Comptroller's Office is not aware of any significant changes in the bank's operations, as reflected in its published financial statements, that would serve as a basis for these rumors."

**Jack Doremus**, exec. veep of Wall Street firm of Smith Barney, for signing an ad plugging Smith Barney's new "Kit" entitled "Timely, Actionable Ways to Cut Taxes."

**Jacqueline** (Mrs. Jesse) **Jackson**, for saying, "Any woman who cannot vote for Jesse Jackson betrays her own cause."

**Jesse** (Mr. Jacqueline) **Jackson**, for discovering that the President "takes money from poor infants and gives it to the military."

**Leonard Silk** of the *New York Times*, for referring to Machiavelli as "probably the first and greatest of political scientists" (Aristotle, call your sacred grove).

**Nicholas von Hoffman**, for noticing that "the mercilessness preached by a Ronald Reagan threatens to obliterate the humane meanings of society."

**Frank Morris**, president of the Federal Reserve Bank of Boston, for opining that the instability of financial markets is caused by people's actually studying the money-supply figures released each week by the Federal Reserve, and for proposing, in the interest of stability, that the Fed cease publishing the numbers entirely.

**Arthur Schlesinger Jr.**, for describing Averell Harriman as "our wisest living statesman."

**Jacqueline Jackson**, again, this time for her pep talk to the death squads: "Any time in America that a black man has expressed his right to freedom of speech, it has been death to him."

**Geraldine Ferraro-Zaccaro-Pumpernickel**, for . . . but words fail.

**Howard Metzenbaum**, for the big squeeze, followed by the big lie, followed by the big gesture.

**Karpov & Kasparov**, for turning a championship chess match into a routine Soviet bore.

**Bob Dole**, announcing his three priorities as Senate Majority Leader, for making it plain that the good of the country was, at best, fourth.

**Bob Packwood**, taking over as Senate Finance Committee czar, for announcing (201-C-3 (a) 3.12 (D) ) that he was not in favor (576.4-(G) (i) 466.X = 23 (skiddoo) ) of simplification of the tax law (87. (f) (u) (j) (i) (g) (m) (o) ) for the sake of sim8pli9fi5ca-33ti7on.

**Alexander Cockburn** for taking $10,000 of Ay-rab money to get into the mood to do a book on the Israeli invasion of Lebanon.

**Alastair Fact**, *The New Yorker*'s foreign correspondent, for giving fiction a bad name.

**Muammar el-Qaddafi**, for not shooting himself in the foot.

**William Allen**, the midnight economist, for his namby-pamby defense of Milton Friedman.

**Lee Iacocca**, for selling 550,000 copies of his memoir and wondering if that's good.

**The** (hee hee hee) **House** (hah hah hah) **Ethics** (haw haw haw) **Committee**.

## Robert Welch, RIP

In 1962, the editors of NATIONAL REVIEW felt it necessary to disavow Robert Welch and the John Birch Society. The way we put it, on that occasion, was that Welch suffered from the delusion that the "subjective intentions of an individual can be inferred from the objective effects of the policies he pursues." Thus if, under Secretary of State Marshall, we lost China to the Communists, then it can be inferred that Marshall intended that we should lose China to the Communists. It never was that way, as anyone knows who has reflected on the maxim that the road to hell is paved with good intentions.

It is true that, for a period, Robert Welch's organization did a great deal to inhibit the recrudescence of an informed anti-Communist movement in America. But it is also true that his zeal awakened in many otherwise slothful Americans a concern for the fate of the Republic. It is hard to imagine that it will ever happen that history will forgive Robert Welch his strange interpretation of the causes of the Western decline. But by no means inconceivable that, one day, he will escape the muddled coils of his own thought and emerge as a man thoroughly devoted to the continuing freedom of the Republic he sought to serve.

## Eugene Lyons, RIP

IT IS ALWAYS sad to think it, and hard to put it that way, but Eugene Lyons suffered from longevity. We mean not only the physical pain he went through, but also the awful elongation of the distance between his



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death, and his active, productive life. It is not easy to recall that 25 years ago he was one of the most formidable cold-warriors in the Republic. Proud that, going to the Soviet Union as a devout friend of the Bolshevik Revolution in the Twenties, he saw early, and saw penetratingly, into the greatest social fraud ever perpetrated in history. Within a few years he had written two books of profound importance: *Assignment in Utopia*, in which he described his life as a Soviet correspondent; and *The Red Decade*. It was this book that Whittaker Chambers, having read it in the mid-Thirties, described as the proximate influence that turned him away from Communism.

During the ensuing decades, Eugene Lyons served as editor of the *American Mercury*, as a freelance writer and author, and as a flinty, yet amusing and easily amused, enemy of fellow-traveling in America. He lost some caste during the Fifties by defending Senator Joseph McCarthy. After listening to a speech by McCarthy delivered before a luncheon group, in which McC. sounded off at his menacing and imprecise worst, Eugene Lyons, taxed on that performance, replied loftily to the critic, "I too regret that Joe McCarthy is not Abraham Lincoln." And he continued to insist that McCarthy was engaging evil forces, and that thereby he was doing a public good.

Eugene Lyons was a founding associate editor of this journal. He deeply resented it when another editor—after much of the staff visited the Soviet Union in 1975—wrote that the Russian character, inherently flawed, was greatly responsible for the success of Bolshevism. Gene Lyons's background was Russian-Jewish. It was his final polemical flurry. He left many friends, and a generation of men and women who knew him as the first of what were then called the "premature anti-Communists." Men and women of sharpened faculties who saw, before others had the moral wit to do so, the awful character of the system we continue to struggle against. His old friends and admirers at NATIONAL REVIEW mourn him, and honor his memory.

# NOTES & ASIDES

☐ The Editor
*The Baltimore Sun*
Baltimore, Md.

Dear Sir:

I have two objections to your editorial, "Buckley, ex Cathedra" (September 24).

You write of my calling Reagan's refusal to lay down tariffs to protect U.S. steel "the correct Christian decision," and you ask, "We trust that Jewish, Moslem, Hindu, and Buddhist teachings on the religious aspects of international commerce in steel were considered and dismissed as 'incorrect.' "

If you will consult Webster III, you will find that under "syn." for the adjective *Christian* is given, "decent, civilized." The example cited is, "act in a Christian fashion."

And then you write, "William F. Buckley Jr., whose elegant arrogance and affectation of a British accent has won him fame and fortune . . ." You should have written, "William F. Buckley Jr., whose elegant arrogance and affectation of a British accent *have* won him fame and fortune . . ." You see, arrogance and affectation being separate modifiers, they require the use of the plural verb.

Yours faithfully,
Wm. F. Buckley Jr.

STOLEN. From WFB's car, one seabagful of unanswered mail (three to four hundred letters) including a dozen unread manuscripts. Date of theft, December 16. The bag could have contained letters dating back to the first week in November. There is no record of such letters, and WFB greatly regrets any inadvertent failure to reply. There is a record in the office of the mss. and in due course the authors will be advised.

☐ Dear Mr. Buckley:

Many things you might be, but one, not: Inane. So dwell a moment on my amazement/chagrin/outrage but mostly, sorrow, that you'd publish, and even sign "cordially," that gruesome gibberish by a moronic monster from Georgia ("Notes & Asides," Oct. 19).

It was a vicious, vile affront to all cat lovers, a breed you apparently do not cherish among your readers. Of which, for some twenty years, I was.

If this witless cruelty was intended as some sort of macabre humor, *NR*'s standards have fallen to a degrading low. It seems so unlike you, that you would permit such needless distress for erstwhile-ardent admirers of you and your magazine—who surely are enough saddened by the rampant savagery in our world —without this gratuitous gibe against innocent small animals who give love and pleasure to many of us.

As for the dermatophytic Thornton, may his sadistic skin putredinously peel!!

Yours for less cretinous correspondence,

K. Aiken
Leesburg, Va.

Dear Mr. Buckley:

I am writing to strongly urge you to refrain from investing in the cat-ranch scheme proposed by Mr. T. Thornton of Albany, Georgia. I have it on highest authority that Mr. Thornton is in fact one Stanley Feath-



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erstonehaugh (pronounced "Fanshaw") Ukridge, a fugitive Englishman. He may be easily recognized by the fact that his spectacles are in poor condition and are held together with cork wire taken from ginger-beer bottles. He has been the perpetrator of any number of wheezes including Ukridge's Dog College, an "accident syndicate," and the mismanagement of a boxer rejoicing in the name Battling Billson.

Should you doubt me it is only necessary that you contact his Aunt Julia, a resident of Wimbledon Common, London, England. I remain sir, your humble servant etc., etc.

Gregory M. Springer
Austin, Tex.

Dear Mr. Buckley:

Please put me in touch with Mr. Terry Thornton of Albany, Georgia, as I wish to make a substantial investment in his cat-farming proposal.

Mr. Thornton has overlooked one important market segment; the use of catgut for fiddle strings. The well-composed orchestra consists of about 40 per cent violins, and I feel confident that an intensive lobbying effort to increase federal funding for public-school orchestras *at all grade levels* will be productive of violinists by a minimum factor of three. And that is not even taking into account violas, violoncellos, and string basses.

If, as Mr. Thornton believes, it is possible to cross cats (*Felis domesticus*) with snakes (suborder Serpentes: species unspecified in Mr. Thornton's prospectus) it should be feasible as well to introduce a strain of genetic material from the class Holothurioidea in the phylum Echinodermata, or sea cucumber, certain species of which, upon becoming sufficiently alarmed, gurgitate their viscera.

Required, of course, will be the services of a competent cat-alarmer, but the job requires little skill and can be accomplished almost as an afterthought by any well-intentioned employee on his or her lunch break.

This plan will produce a self-skinning, self-gutting feliserpenteholothurian.

The work force can be reduced to a total of one. To clean up the mess.

Later, the matter of how to make best use of the rats will be studied.

*Very* sincerely,
Don R. Stevens
Arcadia, Fla.

Schwadron, *Punch* / Rothco

*"The good news, Mr. Hastings, is that the auditor's report has ruled in favor of your keeping your barrel."*

Dear Mr. Stevens: Well, thank you very much. I doubt I'd have thought of that on my own. And a Happy New Year. Cordially, WFB

☐ Memo to: Bill
From: Priscilla
Re: Bill Rickenbacker

Perhaps our readers would be interested in knowing how an editor of NATIONAL REVIEW who fails to appear for duty on a given editorial day excuses himself. The AFL-CIO might simply adopt Bill's letter, make it boilerplate, and pass it along to all workers as a kind of spiritual medical excuse for not showing up. Who would say no? Who would be sore?

Dear Priscilla:

Please forgive me for playing hooky last Tuesday. There is no excuse. I was up early, feeling fine, and reading a very interesting work (Cicero, *In Verrem, Actio Prima*). I could at least have called you on the phone and alerted you to the need, if there was a need, to assign the Hong Kong paragraph to someone else.

Every now and then I just turn wicked, plain bad, and I know I'm bad because I enjoy it. Way down deep there's a devil and he's on display once in a while just to keep the natives cowed, as Titus Oates was slapped in the stocks five times a year, on the anniversaries of the executions of the gentlemen he wrongfully accused. He cows me on those occasions, lets me know how pitiably small my sense of goodness is, how little iron there is in my backbone. Just one more damnable sinner.

So, please forgive. I won't promise to be better. At my age one promises nothing, one merely prays for one more day. BUT WHEN I AM GOOD I AM VERY VERY GOOD.

Wouldja show this to Brer Bill? I know he operates one of the world's finest forgiveries, and I'll rely on him to make his face shine upon me; egg and all.

WHOSE FACE?

[Proofreader: See me.]

Luv,
Wm.

—WFB



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# SHULTZ'S PURGE

Al Haig must be pulling his hair out with rage as he watches the mild-mannered, laid-back George Shultz working a total takeover of the State Department—a purge that Haig tried to execute and failed, because his frontal assault exploded in his face. (Haig, by the way, lauds Shultz copiously and, apparently, sincerely for his administrative and foreign-policy skills.) How did Shultz do it? By establishing a trustful two-year relationship with Ronald Reagan that permitted him to go to the President and say, Sir, if I'm going to carry out your policies, I'm going to need the best people available. So I'm asking you to support the changes I'll be making at the department. To which the President replied, Go ahead.

Shultz's first change was to replace State Department spokesman John Hughes with NBC correspondent Bernard Kalb, an action that raised eyebrows all over the place. Conservatives saw it as a shot across their bows since Kalb is perceived as a liberal, to the left of his brother Marvin. Shultz appointed Kalb for three reasons: First, Hughes (whom Shultz respects greatly) recommended Kalb; second, Shultz gives a lot of weight to résumés; third, Shultz believes that the best way to win over a constituency (in this case, the press) is to pick one of its own.

In fairness to Shultz, his "purge" ought to be looked at, first, in terms of the people themselves. Two principals at State, both Reaganites, are *not* being sacked: William Schneider, Under Secretary for Security Assistance, and Ed Derwinski, Counselor to the department. Schneider holds the number-four position at State, responsible for managing all moneys for foreign assistance, both economic and security. Derwinski will stay but, we hear, has been cut out of policymaking. Elliott Abrams, Assistant Secretary for Human Rights and a Scoop Jackson protégé, will be leaving, but at his own request, after three years of first-rate performance. Former CIA official Hugh Montgomery, director of the Bureau of Intelligence and Research (INR), is going, to the consternation of many, since Montgomery's performance has been thoroughly professional and "nonideological." Shultz is said to be unhappy with intelligence lapses in the Middle East (the bombings of the Marine barracks and embassy in Beirut) and Latin America (specifics yet to be publicly divulged), and he feels Montgomery is responsible—quite unfairly, since the INR is charged with analyzing intelligence, not gathering it.

The Assistant Secretary for Oceans and International Environmental and Scientific Affairs, James Malone, is being ousted, not without cause. Department chieftains say Malone's claim to have spiked the obnoxious Law of the Sea Treaty is unfounded: Bill Clark deserves the credit. Richard McCormack, Assistant Secretary for Economic and Business Affairs, is also being forced out. Shultz, a crack economist, thinks McCormack's economic reporting is weak. In fact, he no longer even reads it. McCormack appears to be headed for the Organization of American States, as ambassador, a post that Bill Middendorf is vacating to become ambassador to the European Economic Community.

At the ambassadorial level, the personnel shifts are a mixed bag. John Negroponte is the most controversial ambassadorial transfer. A savvy hard-liner, formerly with the National Security Council, Negroponte has put in three years in Honduras and is not averse to moving on. But why consign him to the obscurity of Malone's old job (Oceans and International Environmental and Scientific Affairs)? Also, Shultz had intended for foreign-service officer Craig Johnstone to replace Negroponte, until the Right raised such godawful hell over Johnstone's negotiate-with-the-Sandinistas-at-all-costs compulsion that he has since been reassigned to Algeria. The truth is that Johnstone, one of Langhorne (Tony) Motley's key aides in the Bureau of Inter-American Affairs, acquitted himself admirably in the Grenada operation. Yet, he does all but rule out the use of military force by the U.S. in Central America and, with Motley, has neutralized the Heritage Foundation's Richard Holwill, one of the very few conservative political appointees still in the State Department.

So how does all this shake down? Clearly many of the changes at State are justified. But the elemental fact remains: Precious few conservatives inhabit Foggy Bottom. "If you were to take a secret poll over here," says a State Department Reaganite, "I'd bet that 60 per cent—minimally—of the foreign service voted for Walter Mondale last November. They are, in the main, liberal Democrats who believe that negotiation is better than confrontation in all circumstances."

Oddly, despite the uniform political coloration of the foreign service, and Shultz's reliance on the State bureaucracy, he has yet to become State's captive. Two instances in point: First, Mr. Shultz brusquely turned aside recent staff overtures for a resumption of Polish credits, saying, "Why should American taxpayers' dollars go to supporting a Communist regime?" Second, his appointment of Paul Nitze and (probably) Max Kampelman to assist in the arms negotiations is a way of protecting himself from the department by reaching outside it. Both are stable, proven, and ultra-skilled hard-liners.

Shultz is a nonideological conservative. Like Reagan, he has sound instincts. But we'd all sleep better at night—wouldn't we?—if those instincts were fortified by a few warm conservative bodies at the level of, say, deputy assistant secretary. □



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# THE 'STAR WARS' DEBATE

THE AUTHORS OF the catchphrases that dominate the media (and therefore our superficial thoughts and cocktail talk) are usually anonymous, although proud claimants to a word coinage have been known to surface. In the realm of weaponry, sad to say, the catchphrases are usually pejorative in an anti-Western direction.

So it was with the so-called neutron bomb (enhanced radiation/diminished blast warhead), which wasn't a bomb at all. So it is with "Star Wars," the favorable euphemism for which is High Frontier—or, more formally, Strategic Defense Initiative (SDI). The latter has a reassuring ring to it, but is not exactly explicit as a description.

"Star Wars," on the other hand, sounds unbelievably bellicose in a futuristic way. H. G. Wells wrote his visionary *War of the Worlds* in 1898; "Star Wars" sounds like Wells's vision coming true.

The "Star Wars" label feeds the latent anti-Americanism of supine European allies who want the U.S. to defend them—but on their terms. As for the Soviet-supported "peace" movement, and pacifists in general, it and they have been thrown into a truly frightful confusion, on both sides of the Atlantic. In Britain, and to a lesser extent on the Continent, the debate was at its height around Christmas.

In reality, the "peace" campaigners are at a logical impasse of their own making. Leaving Moscow and the World Peace Council out of it, what the "peace" campaigners want, or say they want, is the total abandonment of nuclear weapons—in theory by both sides in World War III, but in practice by the West (which neither jails nor tortures its peaceniks) unilaterally.

Now here comes Reagan saying the U.S. is going to invest enormous sums in the construction of space platforms equipped with various devices that will destroy Soviet ICBMs before they can hit the United States.

Faced with this proposition, the "peace" campaigners exhibit all the symptoms of acute distress. Logically, you would perhaps expect them to be throwing away their banners with all the joy of fulfillment, sending bouquets to the White House, proposing Reagan for the Nobel Peace Prize, et cetera. But no, nothing of the kind. No rejoicing; only frustration, anger, dismay.

Why do they behave thus and not as logic would suggest? Here is a proposal for a defense system (still at the drawing-board stage, remember) that promises to make nuclear weapons *obsolete*. Isn't that what they wanted, or said they wanted, all along? Moreover, the wicked President, in a gesture of almost quixotic and certainly unprecedented generosity, has offered to share the technology of "Star Wars" with the suspicious Russians. Isn't that the kind of thing "peace" campaigners ought to be dreaming about?

Let me suggest a clue to these irrational responses. In the old gangster movies, the robber deprived of his takings would exclaim: "We wuz robbed!" Just think of the enormous investment, of private as well as Soviet funds, of time, of emotional commitment, of personal dedication, that has been put into the "peace" campaigns. Will all of this be for nothing? No deprivation could be greater, no withdrawal symptoms harder to face.

JUST BEFORE Christmas, an article that says it all appeared in the London *Times*. The author was Wayland Kennet, about whom a word or two of background. Under his earlier patronymic of Young, he made a name as a student of nuclear weapons and arms control. He was a junior minister in Harold Wilson's first government in the late 1960s. It then came to pass that he inherited a barony from his father and became Lord Kennet; unlike Tony (Anthony Wedgwood) Benn, he did not renounce his peerage, and now sits in the House of Lords. Having become disillusioned with the Labour Party, he joined the Social Democrats and is currently their spokesman on defense and foreign affairs in the "other" chamber.

What bothers Lord Kennet is the thought that the President's SDI might protect the whole world except the Soviet Union, and he delivers himself of the following comment: "This would amount to a pre-emptive removal of Soviet retaliatory capacity, which is not far from an act of war in itself."

We are not told how a purely defensive weapon, the purpose of which would be to prevent the launching of a nuclear war, could itself almost amount to an "act of war." There is no way out of the logical impasse.

The Social Democratic Party leader and former Labour Foreign Secretary, David Owen, has written in a similar though less hysterical vein in the *Guardian*. On different grounds (such as the possible obsolescence of the enormously expensive Trident system that Britain is buying from the United States), Prime Minister Thatcher herself is said to be concerned, and to have told the President so on her brief Washington visit.

The estimated cost of the SDI research program ($28 billion) is certainly worth pondering. And in this connection, I don't think anybody is entitled to express an opinion who has not read the devastating critique of the American critics of the SDI in the December 1984 issue of *Commentary*, by Professor Robert Jastrow, who as founder of the Goddard Institute for Space Studies knows what he is talking about. What emerges, entirely beyond a doubt in my mind, is that the said critics (who include the authors of a report for the Office of Technology Assessment of the Congress, and the Union of Concerned Scientists) got their sums all wrong. □



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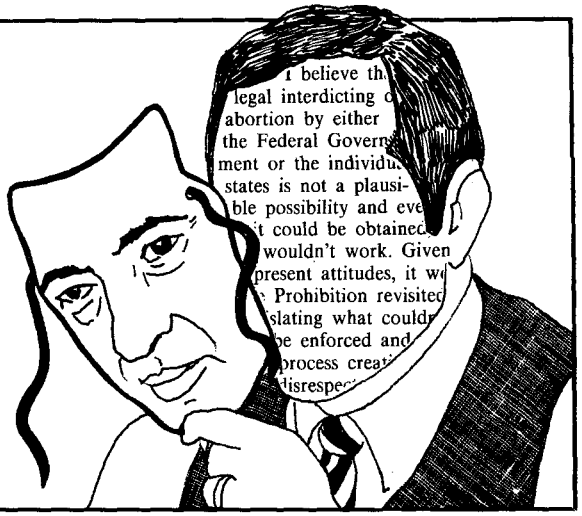
# UNDERSTANDING MARIO CUOMO

JOHN TAGG




YEARS HENCE, wise and knowledgeable persons will reflect upon the oratorical history of the year 1984. They will thumb through the recorded locutions of dozens of prominent and well-spoken Americans. Will they find a single speech that really changed things? Will they discover any one act of persuasion that started a trend or stopped a movement? Of course, we cannot tell with confidence. But it is interesting to guess. If we were taking nominations for the speech most likely to go down in history as a milestone I would not offer any of those delivered in the course of the political campaigns, nor anything said in our legislative debates. There is, however, one speech that I would nominate as a potential earth-shaker: the speech delivered by Governor Mario Cuomo of New York on Thursday, September 13, at Notre Dame University.

Why? The speech was delivered to a relatively small audience. It was broadcast nationwide but was probably not seen by many people. It was excerpted here and there, but without any great likely impact. Indeed, the speech could hardly have had any immediate or dramatic consequences.

But we are not talking here of immediate, dramatic consequences. We are talking of gradual but lasting changes. And Governor Cuomo's remarks—which dealt with abortion and the response to it in a pluralistic society—are of the sort that sink in slowly, that are spread among elites, and that may eventually change the terms of debate.

## II.

At the beginning of last year, it was common knowledge that the Catholic Church was against abortion. This was considered a matter of doctrine so clearly defined and so uniformly accepted among the clergy and practicing faithful that those few prominent Catholics who "personally opposed" abortion but had devised a quaint formulation for approving it in some cases attracted attention as a kind of man-bites-dog phenomenon. A good deal of ink was spilled over Teddy Kennedy's magisterial moral stance that while he would never *personally* have an abortion it should be made as easy as possible for every woman in the country to do so—or something like that. But then the discerning public had long since come to view Ted Kennedy as a more or less "ethnic Catholic," punctilious only in "social" morality.

Geraldine Ferraro? She was, until fairly recently, a secret exception, but the 1984 Democratic convention changed all that. Suddenly Mrs. Ferraro was a real candidate for national office and the most prominent Catholic politician in the country. Her heterodoxy was news more worthy than previous cases, for the first female vice presidential candidate's being a Catholic who advocated abortion funding added a new dimension: Woman bites dog, so to speak.

It is interesting to reflect on the fact that Mrs. Ferraro was not Walter Mondale's first choice as his running-mate. His first choice, Mario Cuomo, turned him down. Following the Democratic convention, both Mario Cuomo and Geraldine Ferraro engaged various Catholic bishops in a protracted bickering match on the subject of abortion. While individual contributions to this dialogue were no doubt both valid and justified, the cumulative impact of the exchanges—especially as they were reported in most news sources—was to trivialize and muddle the issue in the public mind.

Amidst this confusion about what had once seemed a settled issue, Governor Cuomo stepped onto the stage at a Catholic university to clear things up. I listened.

## III.

If I had any doubts before, they are gone: Mario Cuomo is one of the finest public speakers in the country today. His keynote speech at the Democratic convention was very good. But his speech at Notre Dame was brilliant. As a connoisseur of fine oratory, I have seldom been more impressed.

His delivery is conversational, in the best possible sense. He conveys force without resorting to apparent artifice. "The aim of the sculptor," G. K. Chesterton wrote, "is to convince us that he is a sculptor; the aim of the orator is to convince us that he is not an orator." Cuomo almost pulls it off.

His voice helps. It is a serviceable voice, not particularly stentorian, but clear and fairly resonant, free of the glottal ambiguities that so bedevil poor Walter Mondale. His enunciation is precise and poised but with an echo of a regional dialect sufficient to forestall any suspicions of condescension.

His appearance helps, too. It is, at least on television,

*Mr. Tagg, who does an occasional column on language for the* Los Angeles Times, *is a writer and consultant in Southern California.*



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unprepossessing. While not precisely ugly, his is not a face likely to be sought out for its aesthetic qualities of line and balance. A man who looks like Mario Cuomo can be eloquent without seeming arrogant.

And the music: He speaks slowly and with a varying pattern of inflection. This counts for a lot, because many politicians have one favorite inflection pattern, at most two, which begin to wear thin after a few minutes and to grow irritating after a few years. John Kennedy we could put up with because he pronounced his words funny and that kept us awake. But do you remember ever hearing the *end* of a Lyndon Johnson speech? Jimmy Carter's sing-song was cute until you'd heard it for a cumulative total of one hundred minutes. And imagine what the country would have been like after listening to Walter Mondale for four years.

But Mario Cuomo is not a one-trick pony. He, like Ronald Reagan, can adapt his pattern of inflection to his meaning, and he can do so without sacrificing force. We could listen to him for years and want to hear more.

Mario Cuomo can say intelligent things and not sound condescending. Pat Moynihan could never do that. Jeane Kirkpatrick does not find it easy. Adlai Stevenson tried for years without success. But the combination of words and music and image that Mario Cuomo's audience receives allows him to offer complex thoughts, to make subtle distinctions, without sacrificing the sympathy of his listeners. He can wield *logos* without weakening *ethos*.

***Mario Cuomo would be the liberal David to the conservative Goliath. Liberalism is dead, you say? Cuomo's new liberalism may just be suffering its birth pains***

And he does. The man makes arguments. He gives reasons. He grapples. Not only does he acknowledge his opponents' theses, he accepts their metaphors, and turns them to his own purposes. He makes distinctions, delineates issues. Here we have a liberal who discriminates.

In his speech at Notre Dame, Cuomo demonstrated all of these qualities vividly. He argued his case persuasively, and one could not doubt that he meant every word he said in the very depths of his undoubtedly Christian heart. But there was one other characteristic of that speech that makes it especially worthy of note when considered in light of the qualities we have just enumerated. Cuomo was brilliant, eloquent, sincere—and wrong. Brilliantly wrong, eloquently wrong, sincerely wrong. But wrong.

Because Cuomo advances with such feeling and skill essentially pernicious ideas, he is a dangerous man. I do not say he is an evil man; I am sure he is not. His ideas are not entirely deplorable. But some of them are wrong in dangerous ways.

Beware this man. Do not fall victim to the modern silliness that trends and economic cycles make history. Men and women make history. Abraham Lincoln was no trend. FDR was as much a victim of economic cycles as his predecessors, but he was a master of words. He was able to do what he did only because he said what he said. Ronald Reagan is different from other Republican Presidents since FDR. He is different, and better, because he can articulate his conservative ideas so as to inspire the nation to make common cause with him. Largely because of Ronald Reagan, conservative ideas are being heard today, and in many places they are even being listened to.

Mario Cuomo would be the liberal David to the conservative Goliath. Liberalism is dead, you say? Mario Cuomo's new liberalism may just be suffering its birth pains. Cuomo explains and defends it with a skill worthy of comparison with the masters. And for that reason, Mario Cuomo may be the most dangerous man in America.

## IV.

"As a Catholic," Mario Cuomo says, "I accept the Church's teaching on abortion." He does not, however—at least not in his Notre Dame speech—describe that teaching in any detail. It is, we are given to believe, a "moral" teaching. He builds his central argument on the distinction between the moral or religious and the political spheres. He quotes (of all people!) Michael Novak: "Religious judgment and political judgment are both needed. But they are not identical." Those who accept the Church's moral teaching may respond to that teaching with different forms of political action, Cuomo asserts. "There is neither an encyclical nor a catechism that spells out a political strategy for achieving legislative goals."

Political realists, Governor Cuomo tells us, have a "sense of complexity." Therefore, the Church does not prescribe "a precisely defined political plan." Cuomo repeatedly uses terms like "exact" and "specific" to characterize those qualities of political action that moral imperatives do not control. "In the application of those teachings—the exact way we translate them into political action, the specific laws we propose, the exact legal sanctions we seek—there was and is no one, clear, absolute route that the Church says, as a matter of doctrine, we must follow."

What is the function of all this language of complexity? I think we may safely conclude that when Governor Cuomo disdains "exact legal sanctions" he is not revealing a preference for vague ones. He seems rather to be referring to the multiplicity of options. Moral doctrines do not carry prescriptions for "the exact way we translate them into political action," because there are many different ways, many "specific laws" through which we could enact those doctrines. There are many roads to Rome, many means of reaching the same end. Hence agreement on the end does not require agreement on the means. Understood in this way—and I am sure that is how Cuomo's audience understood him—the governor is obviously right.

While making his indisputable point about means and ends, however, Cuomo is also doing something else. The constant use of qualifiers—"exact," "specific," "practical"—to refer to every possible political action tends to minimize the grounds for distinction between one political action and another. Ends are big, broad things hanging in the sky. Means are matters of detail, and choices among them are hairbreadth judgments best left to proofreaders



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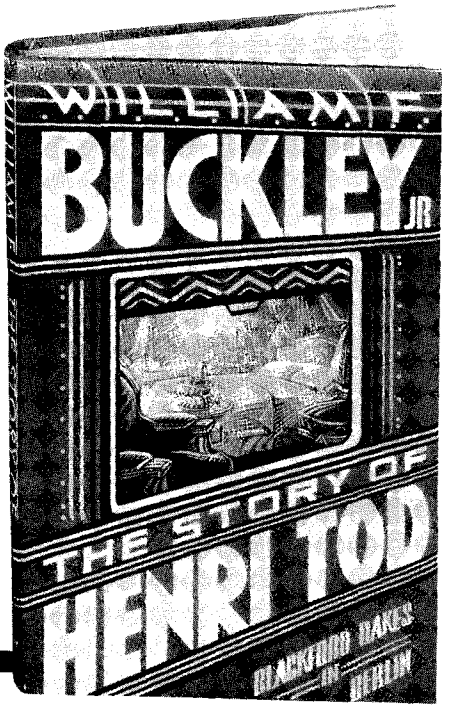


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and accountants. Thus, when Cuomo deftly moves from the discussion of method to the discussion of substance it is easy to miss what he is doing.

He eases gently toward his point by noting that, even among Catholics, "there can be different political approaches to abortion besides unyielding adherence to an absolute prohibition." And that certainly sounds reasonable. Indeed, the terms "unyielding" and "absolute" have no place at all among "political approaches." Politics is the world of myriad options, of complexity, of the detail work. Unyielding absolutes just won't fit.

Thus does Governor Cuomo, with consummate artistry, gently prepare us for his own specific option, one among many:

> I've concluded that the approach of a constitutional amendment is not the best way for us to seek to deal with abortion.
>
> I believe that the legal interdicting of abortion by either the Federal Government or the individual states is not a plausible possibility and even if it could be obtained, it wouldn't work. Given present attitudes, it would be Prohibition revisited, legislating what couldn't be enforced and in the process creating a disrespect for law in general.

Not only the context but the words with which Cuomo describes his judgment make clear that what he is talking about here is a weighing of circumstances, a judgment of expediency. One specific approach, the governor believes, is not the "best way" to "deal with" the problem. A particular option is not a "plausible possibility." Thus, in a world of many options, the governor of New York chooses one over another. His "option," of course, is to do absolutely nothing whatever to restrict abortion.

***There are many roads to Rome, the governor says, and surely an honest pilgrim is not obliged to pick one particular route. Therefore, let's go to Berlin instead***

It is easy to lose sight of the fact that in two sentences, by the careful exploitation of a subtle ambiguity, the governor has reached a conclusion utterly alien to his premises. His argument was that one could accept a moral doctrine without being obliged to carry it out in a particular way. He concludes from this that one way of carrying it out is to behave as if it didn't exist. We thought we agreed with Governor Cuomo when he asserted that in "application" of that doctrine "there . . . is no one, clear, absolute route that . . . we must follow." Now we discover that "clear" and "absolute" were just window dressing. We don't have to follow any route at all. When he claimed the freedom to choose the "exact legal sanctions," we thought he meant the freedom to choose among options. Now we find that his option is exactly no legal sanction at all.

The point becomes even more clear when we consider the doctrine that the governor is discussing. He avoids explicitly defining this doctrine, which he speaks about in the abstract; but it is the doctrine that a human fetus is a human being and that to kill a human fetus is to kill a human being. The moral imperative that emerges from this doctrine is that we should act to protect innocent human life from destruction. The question the governor is discussing is how we should apply this moral principle in framing public laws.

The exact, precise, specific option that Governor Cuomo chooses is to do exactly, precisely, and specifically nothing to protect innocent life. That this is an option for public policy is beyond doubt. But it is precisely the option of rejecting and denying the moral principle that Governor Cuomo claims to embrace. Yes, there is a difference between morality and politics. But to argue that one "applies" a moral principle in the political arena by doing exactly what one who rejects that principle would do is an affront to morality, politics, and sound reasoning. Defend Hitler's policies if you must, but don't claim they flowed from a love of the Jews. Speak up for slavery, if you will, but don't tell us that such a policy was pursued to serve the interests of black people. Advocate, Governor Cuomo, if such is your conviction, a public policy that places the very life of the child in the womb totally at the disposal of the mother, but please don't tell us that such a policy is an "application," one way to "translate . . . into political action" the Christian principle of the sanctity of life. There are many roads to Rome, the governor says, and surely an honest pilgrim is not obliged to pick one particular route. Therefore, let's go to Berlin instead.

I doubt that Mario Cuomo could have brought off this consummate act of rhetorical legerdemain were he not utterly sincere. But if he is both intelligent and sincere, how can he reason as he does? The answer, I think, is to be found by examining the standards that Mr. Cuomo considers applicable to private and to public morality. He says:

> Our public morality, then—the moral standards we maintain for everyone, not just the ones we insist on in our private lives—depends on a consensus view of right and wrong. The values derived from religious belief will not—and should not—be accepted as part of the public morality unless they are shared by the pluralistic community at large, by consensus.

Thus, it is not as a Catholic but as a public official that the governor is opposed to restricting abortion. And his grounds for that opposition are precisely those which we might surmise. They have nothing to do with morality, by any definition. He believes we should not restrict abortion because there is not a consensus that we should.

Governor Cuomo may be correct that there is not a national consensus that abortion should be restricted. (I think he is wrong, but that is beside the present point.) But what he fails to acknowledge is that there is certainly no consensus that abortion should be permitted without restraint. The subject is highly controversial, has been for many years, and almost certainly will continue to be. It was controversial when abortion was restricted by every state; the national legalization of abortion has intensified the controversy. The status quo is a product not of consensus but of judicial fiat. *Roe* v. *Wade* no more represents a national consensus on abortion than *Dred Scott* represented a national consensus on slavery.



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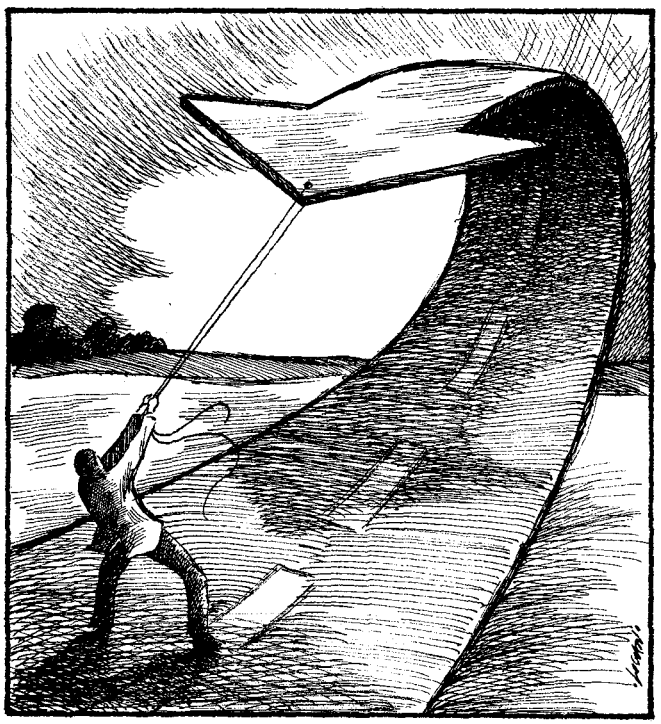
The analogy with slavery, which Governor Cuomo himself uses, puts the theory of consensus morality to a severe test. Governor Cuomo points out: "It has been argued that the failure to endorse a legal ban on abortions is equivalent to refusing to support the cause of abolition before the Civil War." Boldly, the governor attempts to turn this analogy to his own purposes:

> The truth of the matter is, few if any Catholic bishops spoke for abolition in the years before the Civil War. . . . They weren't hypocrites; they were realists. At the time Catholics were a small minority, mostly immigrants, despised by much of the population, often vilified and the object of sporadic violence. In the face of a public controversy that aroused tremendous passions and threatened to break the country apart, the bishops made a pragmatic decision. . . . They concluded that under the circumstances arguing for a constitutional amendment against slavery would do more harm than good, so they were silent. . . .
>
> The decision they made to remain silent on a constitutional amendment to abolish slavery or on the repeal of the Fugitive Slave Law wasn't a mark of their moral indifference: It was a measured attempt to balance moral truths against political realities. Their decision reflected their sense of complexity, not their diffidence. As history reveals, Lincoln behaved with similar discretion.

Lincoln, in fact, behaved with very different discretion, but let us consider that later on. Cuomo is suggesting here that while the Catholics of 1857 saw a moral imperative, circumstances made them impotent. The Church was small and weak; it couldn't influence anybody; and it feared a violently negative reaction to the attempt. Well, the Church is no longer small and weak, it is big and strong. What is the point of the analogy?

Cuomo is not saying that as the bishops were silent then, they should be silent now. He is not even talking about what bishops should say. He is talking about what public officials should do. "Our bishops," he grants, "should be teachers, not pollsters." But, on the other hand, "if the breadth, intensity, and sincerity of opposition to Church teaching shouldn't be allowed to shape our Catholic morality, it can't help but determine our ability—our realistic, political ability—to translate our Catholic morality into civil law, a law not for the believers who don't need it but for the disbelievers who reject it."



*Chief Justice Roger Taney, who wrote the majority opinion in* Dred Scott, *was a Catholic who was 'personally opposed' to slavery*

Is the governor suggesting that the silence of the antebellum bishops on slavery might be a useful paradigm for present-day Christian public officials to follow with respect to abortion? I think that he is. He praises those bishops as "pragmatic." They were "realists" with a "sense of complexity" who could balance "political realities." Those bishops, in other words, were good politicians.

The analogy is poorly cast. Let's not look to bishops for an example of how public officials should behave, let's look to public officials. And as it happens, that is an easy task. Chief Justice Roger Taney, who wrote the majority opinion in *Dred Scott*, was a Catholic who was "personally opposed" to slavery.

Is Taney's behavior, then, a useful paradigm for a present-day Catholic public official? Cuomo does not talk about Taney and would probably have few kind words for him if he did. But he does raise the issue of slavery, and so it is reasonable to see how far the analogy will go.

Taney, of course, was a jurist. But politicians had a lot to say about his famous opinion. Let's consider how a Governor Cuomo of 1857 might have justified passive acceptance of the law of the land, which stated, according to the recent insight of the Supreme Court, that Negroes were strictly property and not citizens. Could that governor not have spoken thus: "I've concluded that the approach of a constitutional amendment is not the best way for us to seek to deal with slavery. I believe that the legal interdicting of slavery by the Federal Government is not a plausible possibility and even if it could be obtained, it wouldn't work. Given present attitudes, it would be legislating what couldn't be enforced and in the process creating a disrespect for law in general."

The argument would have been a forceful one. Indeed, it *was* a forceful one, and one often made by practical politicians of the day. Representative William Drayton of South Carolina, who felt obliged to "condemn and abhor" slavery "in the abstract," was nonetheless constrained to recognize that "when we live in states in which slavery existed before we did . . . it has become so inseparable from and interwoven with our condition, as to be irremediable." The great and irreducible argument for slavery over freedom was simply the impracticality of freedom. It is



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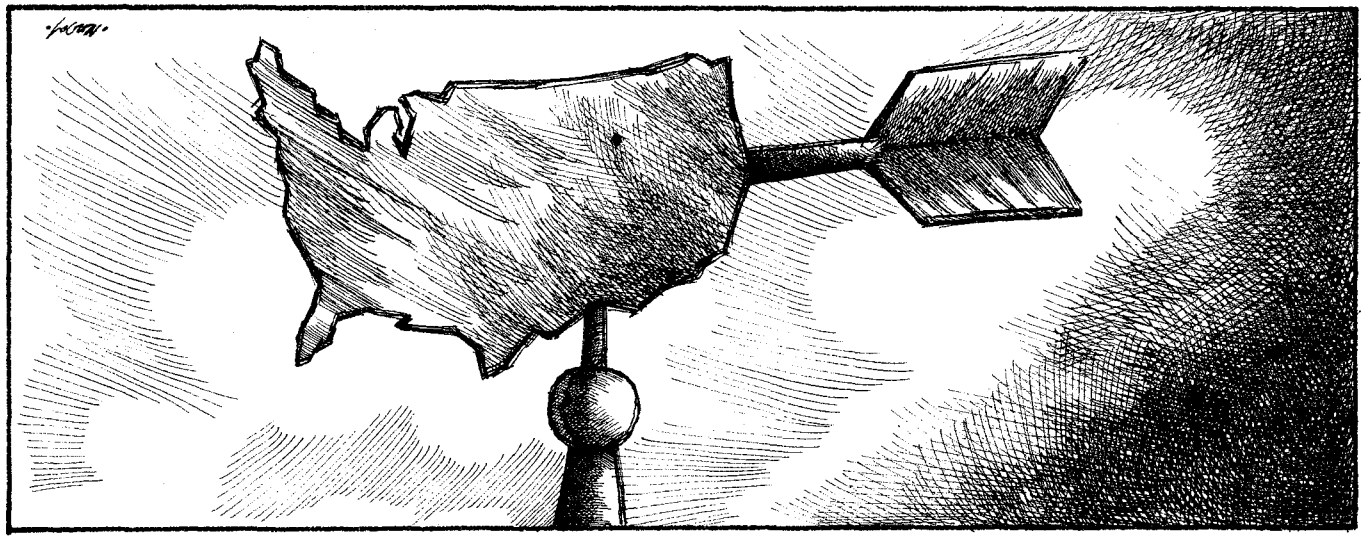

precisely the same argument that Governor Cuomo offers for a public policy sanctioning death over life for the unborn.

The appeal to circumstance in Cuomo's case is commingled with the appeal to the authority of law. "We must keep in mind always that we are a nation of laws —when we like those laws, and when we don't. The Supreme Court has established a woman's constitutional right to abortion." Stephen A. Douglas, Democrat and practical politician, chided Lincoln for carrying on "a crusade against the Supreme Court of the United States" and declared: "I respect the decisions of that august tribunal, I shall always bow in deference to them . . . whether I like them or not."

Indeed, Mario Cuomo's persuasive conception of the Christian leader's practical obligation to consensus morality would precisely have justified such a leader in defending the perpetuation of slavery after the *Dred Scott* decision. The sophistication with which Cuomo argues his case conceals the dangers that inhere in his principles. Those dangers are, perhaps, more evident when the same principles are applied by clumsier hands. Consider the following statements by prominent public figures:

> We would as soon permit others to invade the sanctuary of our dwellings, as to touch [it]. We would as soon permit Congress to dictate to us in our domestic concerns—in our social intercourse—to prescribe to us a system of religion, or a code of morals.

> Is it really the view of the American people, however you feel about the question . . ., that government ought to be reaching into your living rooms and making choices like this? . . . I think these questions are inherently personal and moral.

The first statement was made by Representative William Drayton of South Carolina in a speech to the House in 1828. He was speaking of slavery. The second statement was made by Walter Mondale in the first presidential debate of 1984. He was speaking of abortion. Mario Cuomo paved the way.

If Governor Cuomo's prescription for public morality had been uniformly and constantly accepted as a standard by this nation's leaders, Thurgood Marshall would be a slave today. If this nation has grown closer to the fulfillment of the promise on which it was founded, it is because it has had leaders who rejected Cuomo's thesis that "our public morality . . . depends on a consensus view of right and wrong."

Contrast Cuomo's calm eloquence with the fervor of an admitted fanatic, William Lloyd Garrison, appraising the failure of consensus in 1854:

> Numerically, the contest may be an unequal one, for the time being; but the Author of liberty and the Source of justice, the adorable God, is more than multitudinous, and He will defend the right. My crime is, that I will not go with the multitude to do evil. My singularity is, that when I say that Freedom is of God, and Slavery of the devil, I mean just what I say. My fanaticism is, that I insist on the American people abolishing Slavery, or ceasing to prate of the rights of man.

They cannot both be right.

## V.

In application to many issues, Governor Cuomo's restraint in imposing his personal morality upon public policy, his deference to the principle of self-government by consensus, would be commendable. Why is this not true of the issue of abortion? The reason is that to apply the principle to abortion, as to apply it to slavery, is to destroy the principle.

The reason why abortion is wrong is the reason why democracy is right. The question we face when we consider our policy toward the unborn is not merely, "What is the fetus?" The question we face is, "What are you? What am I?" A human being, at any stage of development, is either a growth or a creation. A growth does not become a creation by getting bigger.

The reason why we should protect the unborn—the only reason I can think of for doing so—is that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. Is that a political principle, or a moral one? God knows it is hardly an expedient one. There is no more consensus about it in today's world than there was in yesterday's. A very small minority of the world's citizens have found it self-evident, and even fewer have acted on the insight. I do not believe the principle can be proven, in any commonly accepted sense of that term. But those communities that have maintained demo-



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cratic government have done so by virtue of their assent to this principle. Self-government will not sustain itself unless it is based upon the moral givenness of the governing self, the individual human being.

Stephen Douglas said in his debate with Lincoln at Alton in 1858:

> I care more for the great principle of self-government, the right of the people to rule, than I do for all the Negroes in Christendom. I would not endanger the perpetuity of the Union, I would not blot out the great inalienable rights of white men, for all the Negroes that ever existed.

To so state the case is to display with exquisite clarity the self-destructiveness of this mode of thought. To defend inalienable rights by alienating rights, to defend the rule of the people by holding some people in bondage, to perpetuate self-government by preserving slavery is to destroy the cause in order to save it.

Governor Cuomo asserts, after praising the silence of Catholic bishops in the face of slavery: "As history reveals, Lincoln behaved with similar discretion." This is a falsehood of monumental proportions and, in a way, the single most deplorable statement that Cuomo made in the entire Notre Dame speech. In fact, it was Lincoln's great triumph that he was able to see the relation of morals to politics, and finally to perceive that some political actions are so wrong that they undermine the very foundations of politics.

Douglas argued that the issue of slavery must be subordinated to the issue of self-government, to the governing consensus, if you will. In a speech in Baltimore in 1864, Lincoln articulated the essential refutation:

> The doctrine of self-government is right—but it has no just application as here attempted. Or perhaps I should say that whether it has such just application depends on whether a Negro is *not* or *is* a man. If he is *not* a man, why in that case, he who *is* a man may, as a matter of self-government, do just as he pleases with him. But if the Negro *is* a man, is it not, to that extent, a total destruction of self-government to say that he too shall not govern himself? When the white man governs himself that is self-government; but when he governs himself and also governs *another* man, that is more than self-government—that is despotism.

Self-government was, Lincoln realized, a moral principle, and the principle that vivifies politics, rightly conceived. In the debate at Alton he defined the proper context for Douglas's autonomous self-government:

> The real issue in this controversy . . . is the sentiment on the part of one class that looks upon the institution of slavery *as a wrong*, and of another class that *does not* look upon it as a wrong. The sentiment that contemplates the institution of slavery in this country as a wrong is the sentiment of the Republican Party. It is the sentiment around which all their actions, all their arguments, circle, and from which all their propositions radiate. They look upon it as being a moral, social, and political wrong.

Lincoln was, of course, sensitive to the difficulty of imposing a simple solution to such a controversial problem. He had, with respect to slavery, "a due regard for its actual existence among us, and the difficulties of getting rid of it in any satisfactory way, and . . . all the constitutional obligations thrown about it."

He had no patience, however, with the view that in a matter touching upon the inalienable rights of man public officials could set their personal morality to one side. Douglas claimed that self-government was his sole concern and that he had no position on slavery. Lincoln charged him with avoiding the issue that could not be avoided:

> He may say he don't care whether an indifferent thing is voted up or down, but he must logically have a choice between a right thing and a wrong thing. He contends that whatever community wants slaves has a right to have them. So they have, if it is not wrong. But if it is a wrong, he cannot say people have a right to do wrong.

While Lincoln respected the law, he said of the *Dred Scott* decision: "I believe the decision was improperly made and I go for reversing it." He saw through the cant of expediency, the excuse of circumstance, to the moral issue, which was also the political issue.

***This nation can survive without Catholics in public office. But it cannot long survive without public officials who will create consensus rather than obey it***

Few would deny today, certainly not Governor Cuomo, that Lincoln was right about slavery. But is it not possible to disagree on the question of whether abortion is morally similar to slavery?

Of course it is possible. It would be possible for Mario Cuomo to believe that abortion is not morally similar to slavery. But he has told us that he does *not* believe that. He has told us: "I accept the Church's teaching on abortion." If that is true, then for him the moral issue of abortion is not merely similar but identical to the issue of slavery. If Cuomo believes, as he professes to believe, that the unborn child is a human being, then the issue of right and wrong is unavoidable. And on that issue he stands, morally and politically, in the position, not of Lincoln, but of Douglas. There is one difference: Douglas did not believe slavery was wrong; Cuomo avows that he does believe abortion is wrong.

Stephen Douglas said that according to the Supreme Court of the United States any group of white men that chose had a right to hold black men in bondage. Abraham Lincoln said to him: "So they have, if it is not wrong. But if it is a wrong, he cannot say people have a right to do wrong."

Mario Cuomo says that according to the Supreme Court of the United States women have the right to terminate the lives of their unborn children. And we must say: "So they have, if it is not wrong. But if it is a wrong, he cannot say people have a right to do wrong."

Mario Cuomo cannot tell us that while he personally feels abortion is the taking of innocent life he defers in his public-policy advocacy to the great principle of consensus



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government, and sanctions it. That is to say that because he respects the people's freedom to choose he sanctions their right to deny some people the freedom to live. Cuomo is free to believe in the inalienable rights of man or not. He is free to believe in the sanctity of human life or not. But he cannot say that he believes in both of them yet assents to a public policy of abortion on demand. But,

*We will know the promise of America for the truth when every human soul is free, even those who cannot ask for their own freedom*

of course, that is precisely what he *does* say. And he says so with such art that we are tempted to believe the impossible. Perhaps we should be thankful. If, opposing abortion, Governor Cuomo has so advanced its cause, what might he have done if he favored it?

Every government is run by consensus. The question is: A consensus of whom? The king and his court? Twelve old men in the Kremlin? White men? Those whose birth occasioned no inordinate inconvenience? The principle of democratic consensus is not autonomous, self-justifying. And it will not stand unless it is founded on the principle that all human beings are *created* as inviolably free individuals.

Abortion is not a Catholic, or even a Christian, issue. It is not primarily as a Catholic that Governor Cuomo fails, it is as a public official. This nation can survive without Catholics in public office. But it cannot, it literally cannot, long survive without public officials who will create consensus rather than obey it, politicians who will mold public sentiment toward justice rather than withdraw from the defense of justice in the face of public sentiment. In matters of fundamental justice there can be no lasting political consensus that is not also a moral one.

God knows this country has never perfectly embodied the principles that animated its Founders. But neither has it ever permanently committed itself to betraying them. The Republic was born carrying the cancer of slavery and nearly perished before it was cured. It still bears the scars. But we moved, through that long agony, closer to wholeness.

Mario Cuomo is right about one thing: Abortion is not merely a matter of law. Father James Burtchaell has summarized Lincoln's essential moral realism in this way: "Lincoln was brought to accept . . . that freedom for the oppressed cannot be acquired unless paid for by others." So it is with abortion. The price of life for the unwanted child is the pain of the woman who bears that child. Those who love the child, their neighbor in the womb, must love as well their neighbor who bears that child. And to love is to share the beloved's pain.

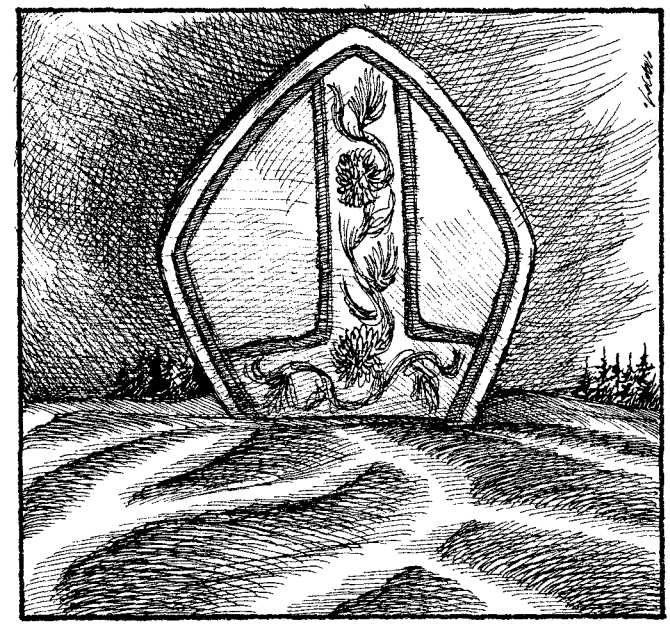
The right to life for the most innocent among us will not be assured quickly or easily. The issue will be the focus of intense controversy for many years. But there are those, and there will always be those, who will not rest while their innocent brothers and sisters are oppressed by the final and irresistible bondage of death.

Yet the issue that Governor Cuomo has raised so eloquently is even more important than the issue of abortion. For if to practice politics conscientiously is to put conscience aside, if the duty of the politician is to sanction crime to secure consensus, then politics itself is a crime, and consensus a cruel despotism. There may be a doctrine more dangerous to the survival of a free people than that which Governor Cuomo advances, but it is hard to imagine what it might be. The issue of abortion has become a test of this perverse doctrine.

Respect for tradition, G. K. Chesterton said, is merely an extension of the idea of democracy beyond "the small and arrogant oligarchy of those who merely happen to be walking about." Tradition, he said, is "the democracy of the dead." If our nation is to continue to grow toward the fulfillment of the promise that engendered and sustained it, it must, heeding the best counsel of our past, open the doors to the future, to the democracy of the unborn. We will know the promise of America for the truth when every human soul is free, even those who cannot ask for their own freedom.

When historians write the history of these years they may see Governor Cuomo's speech at Notre Dame as a turning point, the seed of a new consensus. Or they may see that the governor made an unsuccessful attempt to redefine the terms of debate, that he contributed to the forming of a consensus by awakening in his opponents a renewed sense of moral purpose and vigor.

For now, the controversy will continue. If things get better, there will be a price, and we shall have to help pay it. We should not rest until we have made a world in which no one dies who has not had a chance to live. Things being as they are, even in this grand and free nation, that means that we shall probably never rest at all. But we should not be dismayed to know this. Freedom is not meant for resting. Freedom is for doing the work of Him who made us, and who made us free. □





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# NEW ARGUMENTS AGAINST CAPITAL PUNISHMENT?

ONE CAN hardly expect wholly new ideas in a debate about the death penalty. Still, from time to time superannuated arguments are refurbished and become prominent enough for reconsideration. Let's see.

The least substantial of the arguments currently fashionable suggests that as various nations of the Western world—France, England, Germany, Italy—have abolished the death penalty, we should do the same. The Soviet Union and South Africa have kept it. We don't want to be in that company do we? (Sounds like guilt by association, but never mind.)

The Soviets have the death penalty. They also have legal abortion. Is this an argument against either? South Africa has the death penalty—as well as a free press. Should this lead us to oppose either, or both? Shouldn't we decide what institutions to have, or keep, on the merits as we see them, not as our foes see them? Or, for that matter, our friends? That other democratic governments have abolished the death penalty should persuade us—if we think they are right. Not otherwise. We should be persuaded by the rightness, dissuaded by the wrongness, of any policy, regardless of whether friends or foes adopt it. The Germans speak German and eat sauerkraut. No reason for us to do either. They have a parliamentary form of government, as do the English, who also have a monarchy. No reason for us to have either. The Germans also permit abortion (in the first 12 weeks). But what we do about sauerkraut, forms of government, abortion, or the death penalty should not depend on what they do.

Incidentally, our friends are not as opposed to the death penalty as abolitionists tell us. According to polls, the English people are for it; Parliament is not. MPs tend to be an elite group in England (as judges are in the United States), and on some matters they manage to impose their elite views on the people. This happens here too, though more rarely: The state of New York has twice voted in governors who have opposed and vetoed the death penalty although the voters overwhelmingly want it. The majority of the college-educated everywhere oppose capital punishment. The people (nearly 70 per cent in the United States) usually favor it. Well, college faculties predominantly voted for McGovern. Voters did not. All this tells a lot about college faculties but nothing about the death penalty.

## *The Cost of Dying*

ODDLY ENOUGH it is now again being argued even by serious writers that capital punishment should be abolished because it is so much more expensive to carry out than life imprisonment.* I doubt that capital punishment really is more expensive. But suppose it were. What follows?

We could insist that the cost of capital punishment be reduced so as to diminish the differences. Some of the extra cost may be necessary to minimize miscarriages of justice. But much of it does not contribute to separating the guilty from the innocent. It contributes only to delays that are a burden on society and, not least, on the convicts themselves.

Suppose, now, we don't reduce the cost. Should the high cost lead us to abolish capital punishment? Even if the cost of justice and of social protection does come high I should remain in favor of both. With most Americans, I believe that the death penalty is part of doing justice and of protecting society. The death penalty would remain the just punishment for murder—even if it were as expensive as John Kaplan and others allege.

Another currently fashionable argument in favor of abolition is more serious. Statistical investigations have found that a black man who murders a white has a much greater chance of being sentenced to death than he would have if his victim had been black. This discriminates against black victims of murder by blacks. Their victimizers are not as severely punished as they would be had they murdered a white person. Like the famous half full, or half empty, glass of water, the practice discriminates *in favor of* black murderers of blacks, or *against* black murderers of whites (take your choice). Since most murders are intraracial and since 60 per cent of murder victims are black, the practice so much discriminates in favor of black murderers of blacks as to numerically offset any discrimination against black murderers overall.

Out of the approximately twenty thousand homicides committed annually in the United States, fewer than three hundred lead to a death sentence. (It hardly ever is imposed for "crimes of passion," into which category most homicides fall.) The death sentence is imposed mainly for felony murders (e.g., murders committed during a robbery; often these are multiple murders), for murdering police officers, or for other murders regarded as particularly heinous.

Still, if there really were discrimination in sentencing, opposing it should not logically lead one to oppose the

*John Kaplan, in *The Problem of Capital Punishment*, correctly assumes that those sentenced to death will appeal as often as they can; but he incorrectly assumes that those sentenced to life in prison will not, or cannot.

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execution of the murderers discriminated against, let alone the death penalty as such. Contrary to what abolitionists claim, discrimination is not morally relevant at all to arguments about the death penalty. Suppose the police racially discriminated in handing out parking tickets, or ticketed only Fords, never Rolls Royces; or suppose a teacher discriminated in distributing cookies, or the highest grades; or suppose an employer discriminated in distributing jobs. Assume the tickets, the highest grades, the cookies, the jobs were deserved by those who got them. Would the fact that those who did not get them also deserved them argue for canceling the parking tickets, or for taking away the cookies, or the high grades, or the jobs from those who deserved them and did get them? And would distributive discrimination argue for abolishing parking tickets, cookies, high grades, or jobs? To be sure, the death penalty is a more serious matter. But why should discrimination in distribution *ever* lead us to abolish what is being distributed?

## *Getting Away with Murder*

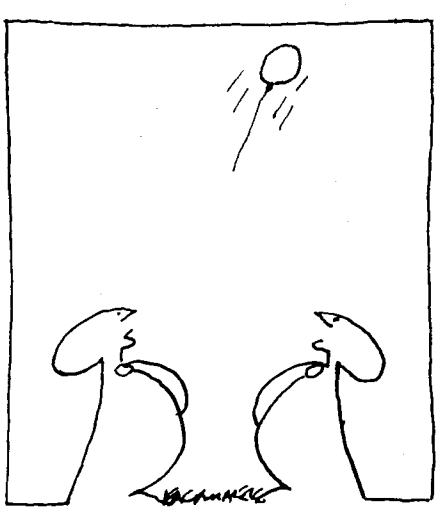
EVEN IF wealthy or white criminals did get away with murder, as alleged, and if only poor and black murderers, or murderers of whites, were sentenced to death, would the latter become less guilty? We should try to make sure that the wealthy and white and the murderers of blacks get the punishment they deserve. But if, as is claimed, they don't, is this a reason to give any convict, of any color, a lesser punishment than his crime deserves? By what logic can the allegation that some persons, or groups, often get away with murder become an argument for letting others get away with it too? Perhaps we should abolish the death penalty. But surely not because many criminals who deserved it were not sentenced to death.

Turn now to the most fashionable of the current arguments for abolition, the argument from proportionality; it overlaps with the discrimination argument, but proliferates into a number of interesting forms.

Our intuitive sense of justice tells us to proportion punishments to the gravity of the crimes being punished. Even if it were useful to impose the death penalty on double-parkers (it is not; it would merely tempt them to shoot the arresting officer) we would regard it as unjust: The crime is not grave enough to deserve so severe a punishment. The Supreme Court warranted a constitutional basis for our intuition in 1909 (*Weems* v. *United States*) and, more recently, has held that the death penalty for rape is an excessive (that is, disproportionate) punishment for the crime.* There is little controversy about the principle of proportionality interpreted as appropriateness, although we often do disagree on what specifically is appropriate, i.e., deserved, for particular crimes. Incidentally, proportionality suggests the death penalty for murder. If imprisonment is proportionate to burglary, murder deserves death: Murder is much more grave, and irrevocable, so that a much more severe and irrevocable penalty seems more proportionate. (Oddly, abolitionists who invoke proportionality are not interested in this inference.)

Proportionality implies that the punishment for any crime should be proportional to the punishments for other crimes. Further, we want the same punishment for the same crime: If ten years, given to one criminal, is the just (the appropriate) punishment for his crime, then giving five years, or 15, to another criminal who committed the same crime cannot be just. However, in practice, each crime has features that differentiate it from other, legally identical, crimes; and each criminal is unique; so is, not least, each judge. Since we give great discretion to judges (too much in my view) and since we punish criminals rather than crimes (a wrong focus in my view), the rule that the same crime deserves the same punishment is of little practical consequence: Even the same judge (let alone different judges) does not always find legally identical crimes to be the same.

*I oppose the death penalty for rape, but not because it is excessive. Rather, the death penalty would invite the rapist to murder his victim, thus removing a witness without running an additional risk. But death may well be a deserved, proportionate, even if impractical, punishment.



*"Don't worry about it; it's probably just another trial balloon."*

## *Luck of the Draw*

INEQUALITY is tolerable, or, at least, tolerated, with respect to punishments in general. But abolitionists argue that it is not tolerable with respect to the death penalty because of its greater severity. The argument might lead them to work for equality of punishments. Instead they work for abolition of the death penalty because, they claim, that equality cannot be attained. They are right. It cannot be, unless murderers oblige us by committing identical murders under identical circumstances and unless they all are prosecuted by the same prosecutor before the same court. There is little doubt that the death penalty is imposed—as are all punishments in any criminal-justice system—in a way that, although not intended to be, may well be regarded as capricious: Luck, or chance, plays a role, and that role cannot be avoided, although it could be reduced. Not that innocent and guilty persons alike are punished. Rather, the system is capricious in that some guilty persons escape and others are punished; and some are punished more than others who are guilty of the same or, perhaps, of a worse crime.

Capriciousness implies that at least some criminals do not get their deserved punishment. Yet we cannot eliminate it altogether. Is capriciousness morally relevant? It may be legally relevant, at times, when courts believe it could have been avoided.† But is it morally relevant? Do those murderers who were capriciously selected to be executed become less guilty than

†Gaps between moral and legal guilt do occur and unfortunately are unavoidable. To illustrate: A defendant found not guilty because the court did not admit the evidence that would have proved his guilt, because it was obtained unlawfully, is, of course, morally guilty of the crime of which he is legally not guilty. Courts find evidence, not truth. And our courts do not admit all the evidence either.



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they would be if those capriciously spared had been executed too?

The Supreme Court has attempted (in *Furman* v. *Georgia*) to reduce capriciousness in sentencing. But pre-sentencing capriciousness (by the police, by the prosecutor, or because of the evidentiary situation) cannot be avoided; even sentencing capriciousness can, at best, only be reduced. Some murderers are caught; others, equally guilty, are not. Some of those caught are convicted; others, equally guilty, are not: The evidence of their guilt may not suffice, or be admitted. A good attorney, with the right strategy, makes it easier to get away with no penalty, or a lesser one. But it is hard to know beforehand on which attorney to place one's bets. Prosecutors do have much discretion in indicting and making plea bargains, and different prosecutors will use their discretion differently. Sometimes one participant in a murder is needed to testify about another, who may be sentenced to death. The witness, although equally guilty, may have to be spared to induce his testimony. Two juries may view the same facts differently. And, finally, two courts may decide differently on whether to impose the death penalty. There are many other factors that make any legal proceeding chancy, the outcome capricious. Do these factors, inherent in any criminal-justice system, argue for abolishing the death penalty? Or any other penalty? Isn't it better—more just and more useful—that criminals, if they do not have the certainty of punishment, at least run the risk of suffering it? That murderers at least run the risk of execution?

If the guilty and innocent were to risk equally being sentenced to death we should abolish the penalty and indeed the sentencing process. But not even the most radical abolitionists believe that convicts sentenced to death are innocent.* Abolitionists merely argue that some murderers, as guilty as

others, are capriciously spared: that those among the guilty who actually are executed are selected as though by a lottery. Suppose, then, that—despite every effort to select the worst murderers for execution—the selection remained capricious. Could that be a serious argument against the death penalty (or any penalty)?

I can't see how. Guilt is personal. The guilt of a convict who has been sentenced to death is not diminished because another, as guilty, was sentenced to a lesser punishment or was not punished at all. Equality is desirable. But justice is more desirable. Equal justice is most desirable, but it is *justice* that we want to be equal, and equality cannot replace justice. Justice—even if not equal—is better than no justice, however equal. We should do everything possible to arrest and convict every murderer and to sentence him according to what he deserves. But if some (or even many) murderers are not convicted, or are sentenced indulgently, that is no reason for not sentencing others as they deserve: We should never attempt to get more equality by doing less justice.

I cannot accept the abolitionist belief that there is no crime horrible enough to deserve capital punishment. On the contrary, there are far more crimes that do than there are death sentences. All the more reason not to spare the few who do receive it. Nor do I believe that we can secure the lives of our citizens—the paramount task of any government—by assuring those who are inclined to murder that, should they be caught, they can nevertheless rest secure, knowing that what they did to their victims never will be done to them, that they will die a natural death, even though they may spend long years in prison. □

*Possibly some persons sentenced to death are innocent—one can never exclude miscarriages of justice. As long as we punish criminals we may unintentionally and despite all precautions punish some innocent people, just as traffic accidents will occur, despite precautions, as long as we drive cars. But our interest in punishing criminals, for the sake of justice and of social protection, more than offsets the moral and material cost of miscarriages of justice, just as our interest in allowing traffic more than offsets the cost to the innocent victims of accidents. Else we could have neither justice nor traffic.

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# WHAT IN GOD'S NAME IS GOING ON?

BEFORE IT recessed for the holidays, the Supreme Court heard argument in three cases involving the constitutional command that Congress shall make no law "respecting an establishment of religion." By the end of the Court's term in July, when opinions in these cases will have come down, we will know whether the Court truly has embarked upon a dramatically new course in these profoundly troublesome waters. Something clearly is Going On. Precedents that only a few years ago seemed strong and viable have not been expressly or even impliedly repealed, but they are going through a remarkable sea change. What in God's name is afoot?

One of the three key cases has to do with prayer in the public schools; a second concerns state aid to religious schools; the third involves labor on the Sabbath. In each case the question is whether a state is promoting religion and, if so, whether the state is promoting religion to some unconstitutional extent. The three current cases tread closely on the heels of several other significant cases in which the High Court has gone farther in the name of "accommodation" than it ever had gone before. It is too much to say that Jefferson's famous "wall of separation" is tumbling down, but it is beginning to look more like a picket fence.

The school-prayer case comes from Mobile, Alabama, where three children of Ishmael Jaffree were attending public schools. The state of Alabama had made two legislative attempts to sneak God back into its classrooms. One of these attempts, in the form of an act mandating a specific prayer that willing students would recite in unison, was so blatantly unconstitutional that the Eleventh Circuit condemned it summarily and the Supreme Court affirmed. The other attempt, which is now before the Court, was more subtle. The Alabama legislature passed a little law that reads, in full:

> At the commencement of the first class of each day in all grades in all public schools, the teacher in charge of the room in which such class is held may announce that a period of silence not to exceed one minute in duration shall be observed for meditation or voluntary prayer, and during any such period no other activities shall be engaged in.

This is the "minute of silence" law. At least 23 states have enacted substantially identical statutes. Do they violate the First Amendment?

A different question is raised in a case from Grand Rapids. Six years ago the city embarked upon a program of supplementary educational opportunities for children in nonpublic schools, and also for adults interested in after-hours instruction. The program evidently has worked well. The city leases classrooms in 41 nonpublic schools, paying $6 per week per room for elementary schools and $10 per week for high schools. Of the 41 schools, 28 are Catholic, seven Christian, three Lutheran, and one Seventh Day Adventist. As a condition of the lease, the classrooms are "desanctified." They are stripped of all religious pictures or symbols, and they are used solely for nonsectarian instruction in such areas as remedial math, remedial English, art, music, and physical education. The after-hours offerings include journalism, criminology, foreign languages, and advanced biology. The courses are taught by 470 teachers employed by the city.

None of these conditions impressed U.S. District Judge Richard Enslen. He held the scheme in violation of the Establishment Clause. In September of 1983 a divided Sixth Circuit affirmed.

The third of the current key cases arose in Connecticut, where Donald Thornton was working as a department manager for Caldor, Inc., a chain of retail department stores in the Northeast. Connecticut has a law that says: "No person who states that a particular day of the week is observed as his Sabbath may be required by his employer to work on such day."

In 1977 Caldor began opening some of its stores for business on Sundays. At first Thornton went along with Caldor's policy of requiring managers to work at least one out of every four Sundays, but in 1980 his Presbyterian conscience began to trouble him sorely. He told Caldor he no longer would work on his Sabbath. Caldor offered to transfer him to a Massachusetts store that did not require Sunday work; as an alternative, Thornton could remain in Connecticut but as a nonsupervisory employee. Thornton declined both propositions; he didn't want to move or to commute a long distance, and demotion would drop his wages from $6.46 an hour to $3.50 an hour.

In March 1980 Thornton quit. He alleged wrongful discharge under the state law. A state board of mediation and arbitration upheld his claim, but the company appealed to the Supreme Court of Connecticut, which ruled the statute unconstitutional.

## *Let Us Not Pray*

THE SCHOOL-PRAYER cases go back to 1962. At that time the New York State Board of Regents had given its imprimatur to a brief prayer that could be recited in the classroom by pupils who wished to do so. The prayer was both nondenominational and innocuous: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country."

This hardly would seem the stuff from which bitter controversy can be raised, but the Regents' prayer led to the Court's seminal decision in *Engel* v. *Vitale*. By a vote of 6 to 1, with

*Mr. Kilpatrick's latest book is* The Writer's Art.



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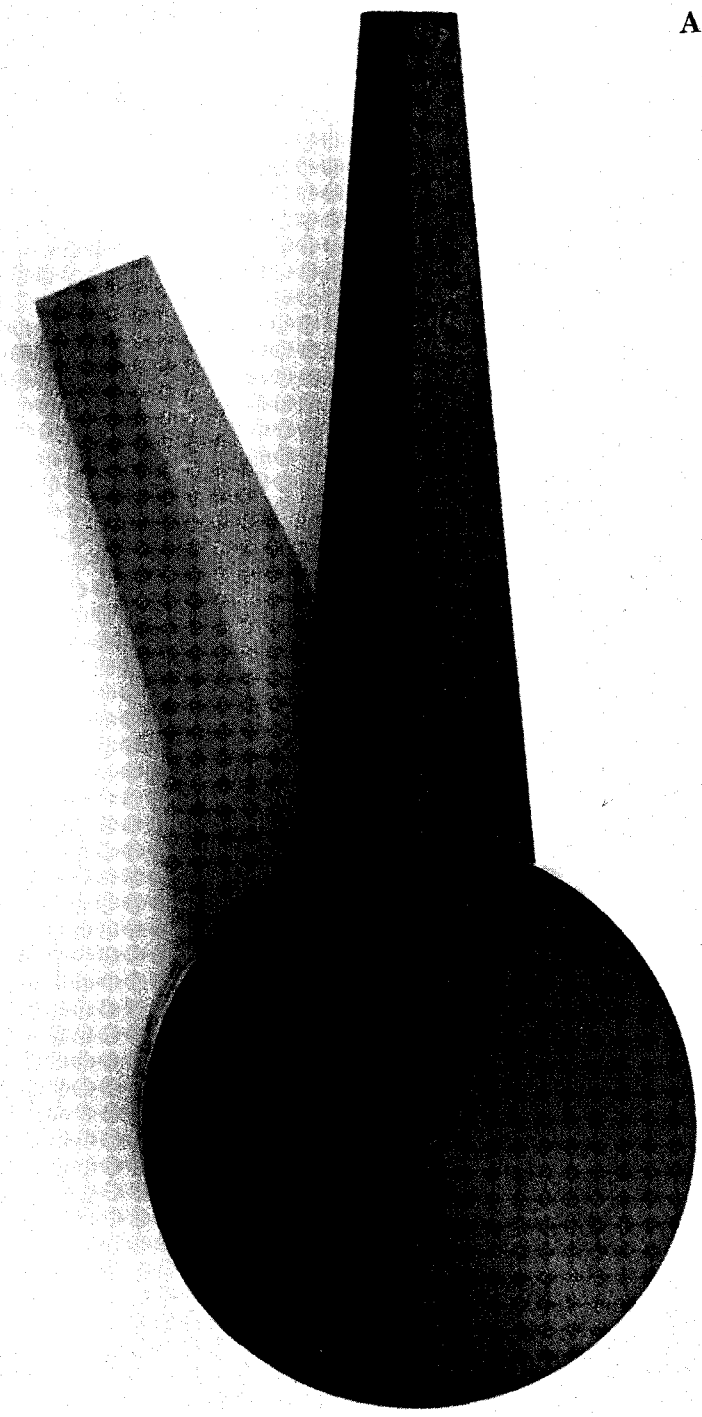

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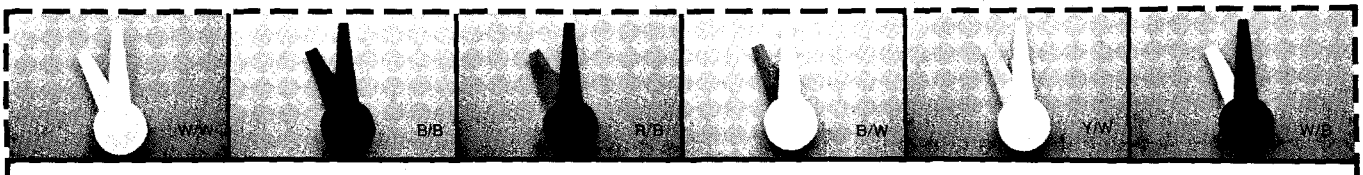


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Frankfurter and White recusing and Stewart dissenting, the Court looked at this innocent little invocation and saw an establishment of religion. Justice Black, speaking for the majority, asserted that the Establishment Clause "must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government." The Regents' prayer might be "relatively insignificant," but the Court thought it appropriate to recall an admonition from James Madison: "It is proper to take alarm at the first experiment on our liberties."

## *Streams and Torrents*

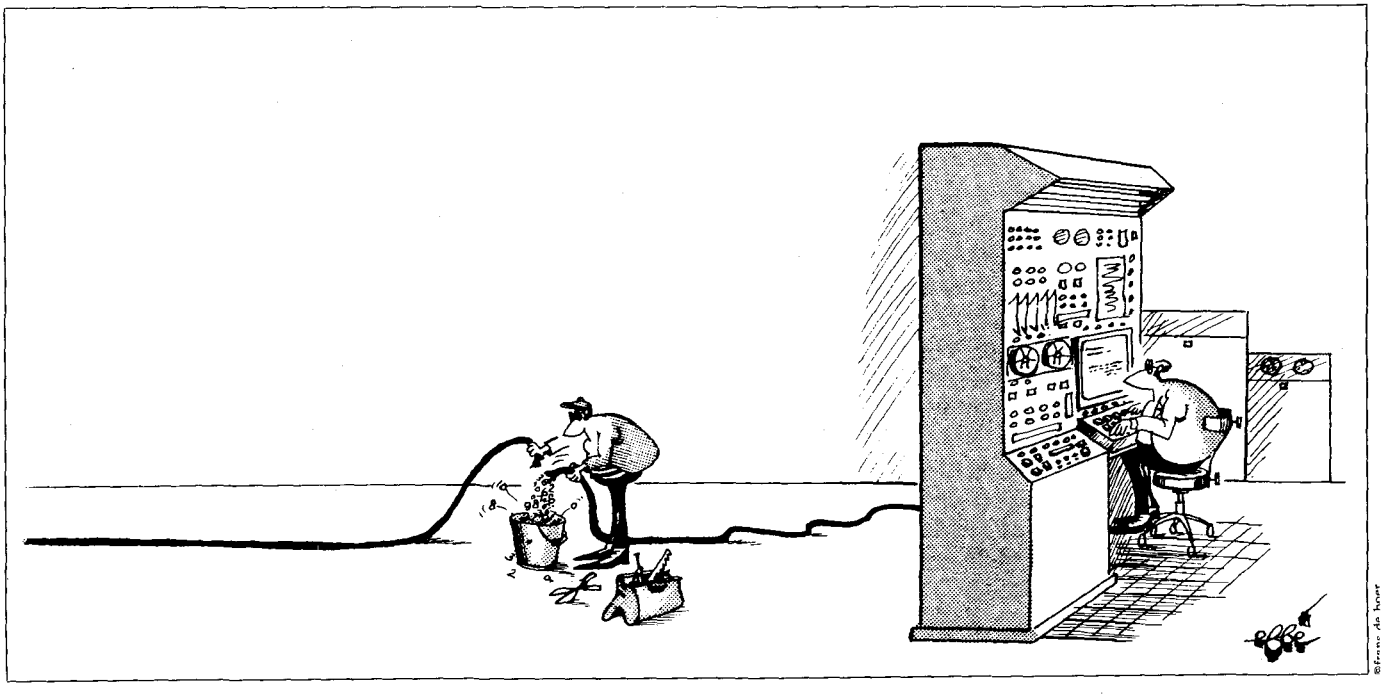
THE FOLLOWING year, in what would become famous as the *Schempp* case, the Court took alarm again. Pennsylvania's law required classroom teachers to begin each school day by reading at least ten verses from the Bible, followed by recitation of the Lord's Prayer. Any child could be excused from this exercise at his parents' request, but in the Abington school district the readings were broadcast throughout each school on the intercom system. By a vote of 8 to 1, with only Stewart half-heartedly dissenting on a procedural point, the Court ringingly pronounced the program unconstitutional. Justice Clark echoed the Madisonian warning: "The breach of neutrality that is today a trickling stream may all too soon become a raging torrent."

The Court never has retreated from the principles so firmly stated in *Engel* and *Schempp*, but, all the same, some peculiar things have been happening in related fields. In July 1983, in *Marsh* v. *Chambers*, the Court looked at the Nebraska legislature and there perceived the benign presence of the Reverend Robert Palmer, a Presbyterian minister who had served for 16 years as the legislature's chaplain. His role was to pray over the assembled lawmakers as they began their sessions. The performance of such a duty offended State Senator Ernest Chambers, who sought and won an injunction to halt the horrid practice.

Speaking through Chief Justice Burger, the High Court reversed. The use of legislative chaplains, said the Chief, is "part of the fabric of our society." The practice is deeply embedded in history and tradition. Indeed, the Chief recalled, on one day in 1789 Congress approved the First Amendment and sent it out for ratification. Three days later that same Congress voted to hire chaplains. Burger thought it unthinkable that Congress would so promptly have violated the Establishment Clause it had just approved. If the Founding Fathers saw nothing wrong in being prayed over, the Supreme Court would not today reverse their view. In brief, said the Court to Mr. Palmer, pray on!

The majority's opinion troubled Justice Brennan. He got off a good line. The decisions in *Schempp* and *Engel*, he said, "hang over this case like a reproachful set of parents." Twenty years earlier, when he wrote a concurring opinion in *Schempp*, Brennan dropped in a sentence about legislative chaplains: He then saw nothing wrong with them. He had since changed his mind: "I was wrong then, and the Court is wrong today." Justices Marshall and Stevens joined Brennan in the view that such chaplains should be fired or retired, but the dissenters were on the small end of a 6 to 3 vote.

Brennan expressed a hope that the Nebraska opinion might amount to no more than a passing aberration. His hope was dashed in March of 1984. This time the Court was called upon to consider, in *Lynch* v. *Donnelly*, whether the city of Pawtucket, Rhode Island, violates the Establishment Clause by erecting a Nativity scene each Christmas in a downtown park. By a vote of 5 to 4, the Court found no violation. Chief Justice Burger, writing for the majority, found that "when viewed in the proper context of the Christmas holiday," the city-owned crèche cannot be viewed as a "purposeful or surreptitious effort to express some kind of subtle governmental advocacy of a particular religious message." Any notion that figures of Joseph, Mary, and the infant Jesus pose a real danger of establishment of a state church "is farfetched indeed."





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Brennan once again dissented strongly. This time he was joined not only by Marshall and Stevens but also by Blackmun. He said with much truth that Burger's opinion "simply cannot be squared with our prior cases." Exactly so. In the 1971 case of *Lemon* v. *Kurtzman*, which involved a Pennsylvania program of aid to parochial schools, Burger himself had distilled all the previous Establishment cases and had boiled them down to a three-part test. To pass muster, a state law dealing with religion "first must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion; finally, the statute must not foster an excessive entanglement with religion."

What "secular purpose," the dissenters asked, could be served by legislative prayers or by a municipal crèche? It is an insult, said Brennan, to suggest that the Nebraska parson's invocation was intended merely to quiet a chamber of rambunctious lawmakers. An expert witness in the Pawtucket case had attempted to establish a secular justification for the city's Nativity scene; it was to get people "to participate in the Christmas spirit, brotherhood, peace, and let loose with their money." Surely the images of Christ and His mortal family must be intended to serve a higher and holier purpose. The dissenting Justices want the three-part test of *Lemon* restored, and they will be heard loudly and clearly in the three pending cases from Alabama, Michigan, and Connecticut.

## *Blurred Lines*

On one aspect of the Establishment Clause, all nine Justices are in complete agreement. As Burger said in *Lemon*, "The line of separation, far from being a 'wall,' is a blurred, indistinct, and variable barrier depending on all the circumstances of a particular relationship." It is not unconstitutional to subsidize bus transportation or to provide secular textbooks for children in parochial schools; it is not unconstitutional to exempt church property from taxation. But it emphatically is unconstitutional for the state to supplement the salaries of teachers in church schools; it is unconstitutional for a teacher to post the Ten Commandments on a classroom wall. It is not unconstitutional for a state to issue revenue bonds that will benefit a Baptist college in Charleston. But it is unconstitutional for Pennsylvania to reimburse parents for a part of the tuition they pay to private schools.

The Court in 1977 set a record of confusion not likely to be surpassed any time soon. The case was *Wolman* v. *Walter*, involving an Ohio statute on state aid to private education. The law proposed six forms of assistance: the loan of textbooks to pupils, the loan of instructional materials to parents, the provision of standard tests and scoring services, the provision of speech and hearing therapy, the provision of guidance services, and the subsidization of field trips to museums and public buildings.

The Justices mounted up and rode off in all directions. Brennan opposed all six forms of assistance. Burger, Rehnquist, and White approved all six. Marshall supported only the speech and hearing therapy. Stevens opposed five of the forms and wasn't certain about number six. Blackmun was okay on the field trips, but he found the lending of instructional materials to parents a transparent fiction. Stewart generally agreed with Blackmun. It was not the Court's finest hour.

Two recent cases have pointed to a much clearer polarization of the Court. In 1980 the Court approved a New York law authorizing state reimbursement to Catholic schools for the provable expenses of administering the same standardized tests given the pupils in public schools. And just this past term, the Court found nothing wrong with a Minnesota law authorizing taxpayers to deduct from their state income taxes certain expenses of private education. In each case the division within the Court was 5 to 4, with Brennan, Marshall, Blackmun, and Stevens on the losing side, and Burger, Rehnquist, Powell, White, and O'Connor on the prevailing side.

What slowly is developing, in my view, is a re-emergence of the concept that emphasizes not merely a nice neutral toleration of religion in our public life, but rather an affirmative accommodation to religion. Thus, if a college permits any extracurricular student groups to use campus facilities, it must accord religious student groups the same privilege. Government cannot be hostile. Along with this developing trend is a second current of thought: Tradition counts, ritual counts, and long acceptance counts. The Court is not about to find it impermissible for government to proclaim Thanksgiving a public holiday. The Court has no objection to "God," which is doubtless a good thing. After all, suppose God objected to the Court. The Establishment Clause is not violated by the national motto, or by the Pledge of Allegiance, or by the "so help me God" that accompanies an oath of public office. In the Pawtucket case, Jesus, Mary, and Joseph squeaked by in part because they were in the jolly company of clowns, elves, an array of candy canes, one elephant, one teddy bear, one Santa Claus, and eight head of reindeer.

## *A Religious People*

Applied to the three cases that await decision, the trends suggest that Grand Rapids will lose: Its program may have a secular purpose, and the several courses may not serve primarily to advance religion, but the third prong of "entanglement" still has a sharp point. My guess is that Alabama's "minute of silence" will survive constitutional challenge; questions from the bench during oral argument suggested that only Brennan, Marshall, and Stevens are likely to condemn the statute. On Connecticut's Sabbath law, it is hard to say; the most relevant precedents date from a Maryland case in 1961 and a South Carolina case in 1963. In both instances the Sabbath laws were upheld, but the Supreme Court's membership has changed greatly since those cases were decided, and the facts in the Caldor case are materially different.

The trends strike me as good trends. "We are a religious people," Justice Douglas once said, "whose institutions presuppose a Supreme Being." That was in the landmark case of *Zorach* v. *Clauson*, decided in 1952, in which the Court upheld a New York program of "released time" for pupils to pursue religious instruction away from the public schools. "The law," said Douglas, "follows the best of our traditions, for it then respects the religious nature of our people and accommodates the public service to their spiritual needs."

If the present Court is veering back toward the Douglas view, I would echo the bailiff's cry as the Justices take their seats: "God save the United States and this honorable Court!" □



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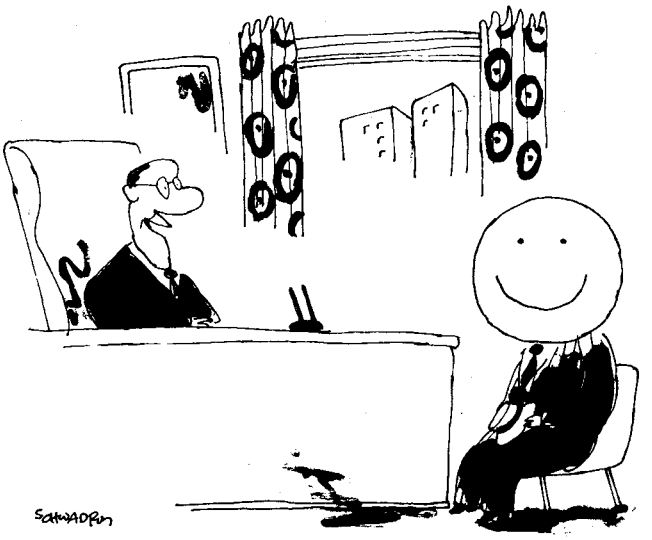
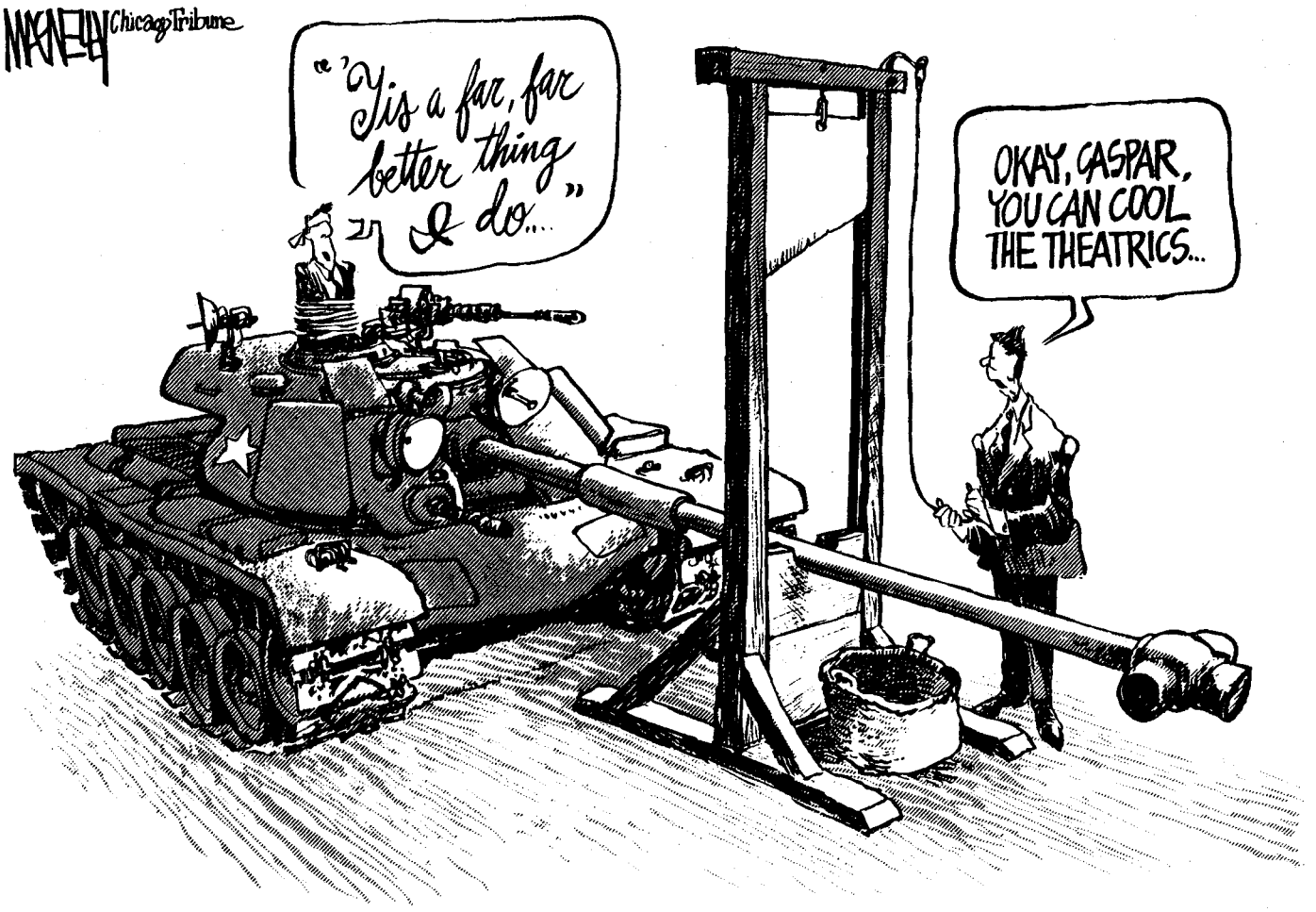



*"Ah, yes, Arnold von Schlugendorf! I never forget a face."*



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## Through a Glass Darkly

Give me a lamp that's for rubbing,
With a traditional jinn.
Take me to Haiti, where voodoo
Manages things with a pin.
I'd rather turn to the Tarot
Or a mad medium's moan
Than let economists lead me
Into the fiscal unknown.

W. H. VON DREELE

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# THE GENOCIDE CONVENTION & THE LESSON OF NICARAGUA

INTERNATIONAL LAW is an institution whose existence has been posited by philosophers and statesmen for many centuries. For those, however, who mark the rise and fall of legal and political systems by the extent to which they can secure obedience to their commands, 1985 may be remembered as the year in which international law finally became law.

Two things may happen to bring this about. In the case of *Nicaragua* v. *United States* the World Court may become a real court. And by ratifying the Genocide Convention, whose interpretation and application are committed irrevocably to the World Court, the United States may ensure that the Nicaragua case will begin a new period in the expansion of the Court's authority and power.

Since World War II there has been a tremendous expansion in the number of rules that purport to bind the conduct of nations. The United Nations General Assembly, as well as various commissions and conferences operating under United Nations auspices, has attempted to codify not only the law of war and international relations but also a system of civil, political, and economic rights that all nations must grant their own citizens.

What has been lacking is a means by which these norms can be enforced. The jurisdiction of the World Court is largely voluntary, and it has often been observed that nations submit to it only those disputes that are not important enough to go to war over. Furthermore, the Court lacks any means of enforcing its judgments other than the voluntary compliance of the nations against whom judgments are rendered. In the Nicaragua case, however, the Court has asserted the right to order the United States to cease its involvement in an armed conflict—which, virtually by definition, that nation has deemed necessary to protect its most fundamental interests—and to pay hundreds of millions of dollars in reparations to Nicaragua. If such an order is issued and obeyed, the World Court's days as a debating society and occasional arbitration panel will be over.

Unless, that is, the Nicaragua case should prove to be an isolated historical accident. The United States argued vigorously that the World Court's assertion of its jurisdiction in the case was illegal. Not only had Nicaragua never properly submitted itself to the Court's compulsory jurisdiction (a prerequisite for invoking such jurisdiction against other nations), but the United Nations Charter arguably reserves the resolution of cases involving armed conflict to the Security Council. In 1946, when the United States was considering whether to submit itself to the Court's jurisdiction, senators who expressed fears that the Court might someday order the United States to act contrary to its national-security interests were assured by their internationalist colleagues that the Court would never do such a thing. In any case, the supporters of the Court argued, the absence of any mechanism for enforcing the Court's orders would leave the United States free to disregard any judgment it deemed contrary to its fundamental interests.

The World Court has now ruled that the senators were wrong in their assumptions about the scope of the Court's jurisdiction. By failing to make an explicit reservation of the right to withdraw from cases involving armed conflict, the United States relegated its understanding to the status of a unilateral interpretation that the Court is free to disregard. If the United States walks away from the Nicaragua case it will be branded an international outlaw.

Accepting this label may, however, be the lesser of two evils. Even if the Court is correct in its view of the scope of its jurisdiction, a good case can be made that the United States could not have surrendered such power to a foreign tribunal without violating its own Constitution. However desirable it might be to give supervisory authority over the war-making power of the United States to a panel of distinguished Swedes and Byelorussians, the Constitution provides a different scheme: Articles I and II allocate that power between Congress and the President and implicitly bind them to exercise it in the best interest of the United States. Article III requires that controversies over that power be finally resolved by the Supreme Court of the United States.

THE POSSIBILITY that the United States might be bound by international law to do one thing and by the Constitution to do the opposite thing is implicit in the idea of two rule-generating systems, neither of which regards itself as subordinate to the other. Codifications of international law make it clear that the obligations they impose are binding even on nations whose domestic law imposes conflicting obligations. The United States Constitution, however, similarly insists on its own supremacy. The tie-breaker in the Nicaragua case may be the President's oath to uphold the Constitution. If he believes that allowing the World Court to decide whether the United States will continue to aid the *Contras* would be an unconstitutional delegation of executive, legislative, or judicial power, his oath would seem to bind him to withdraw from the case.

Constitutional problems aside, it

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# PRESIDENT RONALD REAGAN SPEAKS ABOUT *NATIONAL REVIEW*

*(The following are excerpts from the talk given by President Ronald Reagan when he attended the party to celebrate the opening of* National Review*'s new Washington office.)*

"Today, we celebrate Washington's birthday, and I can't think of a more appropriate occasion to celebrate *National Review*'s heightened profile in the nation's capital. For if George Washington was the father of his country, NR has been the father of the American conservative intellectual movement. And it's only fitting, at a time when conservative issues and philosophy are finally setting the terms of debate in the halls of government, that NR has come to Washington in a big way. . . .

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"But I think you know that *National Review* is my favorite magazine. NR isn't my favorite only because it's fought the good fight so long and so well, although that would be reason enough. It's my favorite because it's splendidly written, brilliantly edited, and a pleasure to read.

"In fact, I honestly believe even if I were to suffer from mental illness or convert to liberalism for some other reason, NR would still be my favorite magazine because of its wit and its charm and the intellectual quality of its contents. . . .

"Let me just close by saying a heartfelt thank you to *National Review* for all you've done for the values we share and for sending reinforcements to Washington at just the right moment. I know that your heightened presence here will be an aid and inspiration to all of us in the movement in the years ahead. And just by being here you help make the nation's capital a little less of a puzzle palace and a little more like our town. So thank you. God bless you all."

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would be bad for the United States and bad for the world if any international body were to be given a veto power over American responses to the activities of nations such as the Soviet Union, Libya, Cuba, and Nicaragua without being able to exercise a similar veto power over the foreign activities of these nations themselves. It is impossible for any tribunal to exercise such power, not only because Communist nations expressly reserve the right to decide whether and how World Court judgments will apply to them, but also because all totalitarian nations conduct their activities in ways that would prevent a court from collecting evidence.

In the Nicaragua case, for instance, the only defense available to the United States on the merits is that our activities are necessary responses to covert Nicaraguan aggression against other Central American nations. The Nicaraguan foreign minister, however, has denied under oath that his nation has given any assistance to guerrilla movements seeking to overthrow those nations. To submit the matter to the World Court is to condition the United States response not on whether Nicaragua is lying, but on the very different question whether the United States can prove to the satisfaction of the World Court that Nicaragua is lying.

Similarly, a committee of the American Bar Association has produced a report finding that the United States violated numerous rules of international law in invading Grenada. If this controversy were submitted to the World Court it is very likely that the Court would agree with the ABA committee. Indeed, it is quite possible that the Court would find the invasion of Grenada illegal and the Soviet invasion of Afghanistan legal—in part, ironically, because it is easier for a nation to comply with the forms of international law when it brings a situation into existence than when it is reacting to the initiatives of others.

The distinctions between Grenada and Afghanistan that favor the United States, on the other hand, involve evidence that is not likely to be given serious consideration in an international court, either because it is too ephemeral or because it is too prejudicial to certain kinds of governments. The World Court would be unfaithful to its charter if it took judicial notice of the fact that the Soviet Union lies a lot. And it would lack manageable standards to distinguish the Grenadians' baking of cakes for invading Marines from formally identical displays sponsored by the Afghan-Soviet Friendship Committee. Yet any nation that ignores such facts and distinctions in formulating its foreign policy does so at its peril.

Despite the manifest undesirability of submitting controversies such as Grenada and Nicaragua to the World Court, however, and even despite the possibility that such submission might violate the Constitution, we have got ourselves into an awful mess by not making it crystal clear from the outset that we would never do so. The charges of "lawlessness" that will be leveled at the United States in the event of a withdrawal from the Nicaragua case—even though these charges will emanate mostly from the same quarters that urged adherence to the statute of the Court on the ground that the Court lacks enforcement jurisdiction and could therefore never really interfere with our fundamental national interests—will sting. Worse, our future foreign relations will be constrained in a number of undesirable ways. If nothing else good comes of the Nicaragua case, it should at least teach us the folly of writing anything that looks even vaguely like a blank check to the World Court.

THE VERY last power we should give the Court is the power to declare that some facet of our foreign or domestic policy is "genocide" and to tell us how to stop. Yet the Senate is currently considering ratification of the United Nations Convention for the Prevention and Punishment of Genocide, which would do just that.

Although many people support the convention on the understandable assumption that it would do nothing but prohibit racist mass murders, this is unfortunately not the case. The convention employs a definition of "genocide" that was vague when it was proposed in 1948 and that has, at the hands of international lawyers, social scientists, and Third World statesmen, gotten even vaguer over the intervening years. It specifies four ways in which genocide can be committed without killing a single person. Two of these could be construed to include the violation of virtually any human right the World Court cares to create.

The convention's worst feature is its provision that the World Court will have the power to settle all disputes regarding the interpretation and application of its prohibition of genocide. This would provide the Court with compulsory jurisdiction not just over foreign-policy disputes in which it is alleged (as it almost always is these days) that the United States is committing genocide, but over our domestic policies as well. And unlike the jurisdiction asserted by the Court in the Nicaragua case, the jurisdiction granted by the Genocide Convention would not be revokable upon six months' notice.

The convention's definition of genocide includes, among other things, "causing serious bodily or mental harm" to members of any racial, religious, national, or ethnic group with the intention of destroying the group "as such." The United States Supreme Court has recognized that government actions as diverse as school segregation and the denial of abortions to pregnant women can cause serious mental harm. And the intention to destroy the group "as such," as other provisions of the convention make clear, could include a desire to assimilate a minority group into the majority culture. Moreover, the Court would be free to decide how difficult or easy it would be to prove "intent." Any set of social institutions or policies that are shown to have a disparate impact on the birth rate, death rate, or "racial integrity" of minority groups might be considered genocidal without any further showing of intent, since there are many contexts in which courts will presume that people intend the foreseeable consequences of their actions.

The list of policies that could fall within a broad interpretation of the Genocide Convention is endless. Just for starters, the convention could be construed to incorporate the terms of other human-rights treaties that the United States has not ratified, but whose contravention may well cause mental harm and may also affect the birth rates and death rates of minority groups. (One of these treaties protects the fundamental human rights to "the highest attainable standard of physical and mental health," to "[taking] part in cultural life," and to "periodic holidays with pay.") The United States has been accused of genocide for its conduct of the Vietnam War, for police campaigns

*(Continues on page 61)*



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# ABROAD

ADDIS ABABA *Other Victims*

World attention focusing on the famine in Ethiopia has uncovered the melancholy situation of ten members of the Ethiopian royal family who have been prisoners of the Marxist government for the last ten years, ever since the downfall of Emperor Haile Selassie. The royal prisoners comprise seven princesses and three princes, who range in age from 27 to 71. They are either direct descendants of Haile Selassie or relatives by marriage. The princes and princesses are being held in a former prison hospital ward said to be no bigger than 12 by 20 feet. There are no toilets or running water and not even beds. Food is brought once a day. Age and illness are affecting most of the prisoners. Four of the princesses—the emperor's granddaughters, now in their fifties—were educated in Britain and lived there for ten years. British diplomats have led a movement to free them or at least alleviate their misery, but so far the government of Colonel Mengistu, now soliciting famine relief supplies from Western countries on humanitarian grounds, has refused to consider these requests.

VALLETTA *Maltese Cross*

Dr. Carmelo Mifsud-Bonnici has succeeded the controversial Dom Mintoff as prime minister of Malta, but this promises little change in the mid-Mediterranean island's policy of convulsive socialism. One of the new premier's first acts, for example, was to receive a delegation of Libyan officials dispatched by Colonel Qaddafi with an offer of jobs for unemployed Maltese in Tripoli in order to strengthen the friendship between the two countries. Mifsud-Bonnici is also expecting an offer from the Soviet Union to send divers and engineers to finish clearing the Valletta harbor of wartime hulks and to place an order with Maltese shipyards for eight new merchant ships—this seen as the fruit of a recent visit Mr. Mintoff paid to Moscow. Finally, the new prime minister is said to be anxious to improve relations with North Korea, already a provider of training and equipment to the Maltese riot police.

LIMA *Spreading Path*

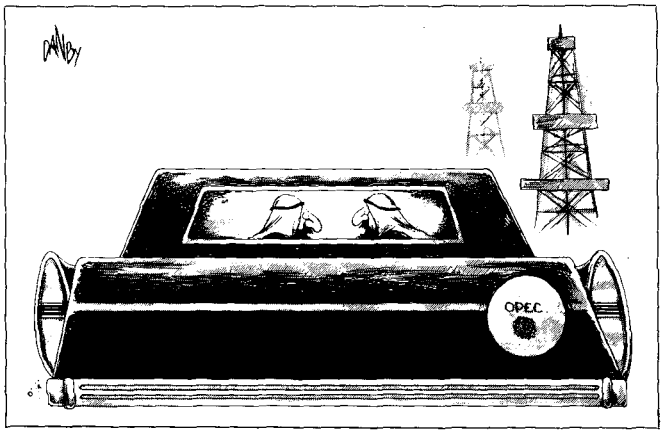
The central government's attempt to stamp out the Maoist movement known as *Sendero Luminoso*—the Shining Path—has grown into a full-fledged military campaign employing an army five thousand strong. Despite this deployment, and an increase in fighting that has resulted in one hundred deaths a month, the rebels have regrouped to launch a classic guerrilla war in the precipitous hills and valleys of the central Andes. *Sendero Luminoso* was originally inspired by the veteran Peruvian Marxist José Carlos Mariátegui, who spoke decades ago of Marxism-Leninism representing a "shining path" to national revolution, which formulation was taken up a few years back by Abimael Guzmán of the University of Ayacucho in the heart of the disputed district. The movement's adherents are firmly opposed to foreign influence whatever its form, and especially to outside attempts to improve the primitive agricultural practices of the central Peruvian highlands. For example, guerrillas recently slaughtered an entire herd of cows at the university's model farm because they belonged to a European breed. The program of the guerrillas has been to attack and destroy all signs and symbols of state authority (and therefore of capitalism) by assassinating mayors, blowing up banks and government offices, sabotaging machinery, and setting themselves against any manifestation of the democratic Belaúnde government. Probably the most damaging effect of the war so far is the disruption of the lives of the peasants, who have fled to the coastal cities. They had held onto a precarious existence for centuries through high-altitude subsistence farming and speak only Quechua, one of the old Inca tongues of the Andes.

FRANKFURT *Tree Pollution*

More than half of West Germany's forests have been damaged by air pollution, which the authorities ascribe largely to emissions from automotive traffic. According to the Ministry of Food, Agriculture, and Forestry, 50.2 per cent of the country's timber stock is suffering from "pollution-related" diseases, and the number of oak and beech trees so suffering has doubled in the last two years. Remedies center on the reduction of gasoline fumes and include the enforcement of speed limits on the autobahns and the fitting of German automobiles with catalytic converters. Another goal in the struggle, and perhaps the most difficult to achieve, is cooperation among members of the Common Market, whose individual pollution regulations are either nugatory or otherwise considered inefficient by the Germans.

LONDON *The Round Pound*

The pound note is no more. As of the last day of 1984, printing ceased of one of the best-known pieces of paper currency in the world, to be replaced by a gold-colored coin with Queen Elizabeth on the obverse and coats of arms of various British domains on the reverse. The coin is small, slightly smaller than the American quarter, but much thicker and heavier. Like most modern coins, it is made of an alloy of nonprecious metals. There has been some public outcry over the change, but on the whole acceptance of the new coin, nicknamed "the round pound," has been widespread. The five-pound, ten-pound, and larger notes still remain in circulation. Coincidentally with the pound note, the halfpenny coin has disappeared. In the end, the "ha'penny," as it was pronounced, was worth less than an American penny. Like the farthing, whose demise preceded it, it will live on in literature and legend.




*"I miss the old days: long lines, high prices, panic buying."*



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# CHURCH, STATE, AND THE TIMES

HARDLY ANYTHING seems more innocent and comfortable on a drowsy morning than the grey pages of the *New York Times*. Over coffee, all soothingly floats by: bombings, airline crashes, gourmet recipes, photos of Doug Flutie . . . And yet, the editorial page of the *New York Times* can injure the reputation of a public figure against whom it is turned.

Consider, then, the column by Sydney H. Schanberg entitled "Put Up Your Dukes" (December 18) and related editorials. Listen to the music as Schanberg's target is described: "always telling someone to put up his dukes," "picking a fight," "collision courses," "seems to relish street-brawling," "latest title bout," "expanded his fight," "potential for divisiveness," "rather win a fight than solve a problem."

Such phrases may illustrate Mr. Schanberg's disposition; the words, after all, are his. The odd fact is that he is ascribing this disposition to another man, the new Catholic archbishop of New York, John J. O'Connor, whose words they are not.

The background is that Mayor Edward Koch some time ago issued Executive Order 50, which Schanberg describes as "barring discrimination because of race, creed, age, sex, or handicap" and also—the original nub of the issue, although Mr. Schanberg does not include it in this list—"sexual orientation or affectual preference" by all contractors with the city, including religious and other groups that provide charitable services.

Rather than accept the dictates of the city, Archbishop O'Connor has broadly challenged both the wisdom of the order and the power of the mayor to enforce it. He is doing this in frequent and friendly conversation with the mayor and, second, in an amicably agreed-upon court challenge. If city funds are withdrawn, the archbishop says he will explore ways to operate the relevant charitable institutions without them. He will not reduce services; he will raise the money elsewhere.

In response, the *Times* through Schanberg makes two errant accusations against Archbishop O'Connor and carefully ignores the main issue. The first errant charge is that the archbishop is attacking civil rights. In no way has he done so. The second is that the task of a public leader is to heal and unite the city. In no way is Archbishop O'Connor sinning against public order or comity. Here one must note that Archbishop O'Connor is the leader of the Catholic archdiocese, not the elected public leader of the city. He must be faithful to the principles of the church he heads before he can be a force for ecumenical and civic cooperation.

The fundamental issue that the *Times* has neglected is the intrusion of the state upon the liberty of the church. The *Times* holds that the archbishop should wash his hands of the matter, simply by signing off on an order that is being followed in practice anyway: No homosexuals are in fact being discriminated against in Catholic institutions.

The archbishop sees a deeper issue. With public funds comes increasing public intrusion—indeed, official surveillance and enforcement. In the name of moral values ("nondiscrimination"), state power is being extended quite far into the terrain of public morals. The archbishop does not wish to collude in this creeping public entanglement. He wants a clearer line drawn between church and state. Normally, the *Times* would agree with him.

The particular issue—"homosexual and bisexual preferences and practices," as it is officially defined—is an inherently sticky one. "Preference" hardly seems the exact word for the moral choice at stake; it has the thin ring of a matter of taste, aesthetics, whim, or fancy, not the heavy metal echo of moral reasoning and firm commitment. "Practice" goes far beyond belief.

But such particulars do not lie at the heart of the matter. The question is the right of the public authorities to oblige churches to sign pledges of moral intention as well as legal compliance. The issue is not precisely whether the churches are, or are not, in legal compliance. On this point, the archbishop has stated that his church is. No evidence has been adduced that it is not. Law-abidingness should be sufficient, without a loyalty oath. The real issue is whether the state may exact a moral pledge from a church or other free association. If the state may do so on a clearly moral issue such as sexual "preferences and practices," on what moral matters would its powers be ruled excessive?

Moreover, moral "preferences" do not so easily lie down side by side, lion with lamb, as extreme versions of moral relativism imagine. Moral visions clash, one denying what the other affirms, one finding evil what the other finds good. A declaration that citizens cannot discriminate among moral "preferences" would be self-contradictory. Nondiscrimination itself is a moral "preference." Moral relativism is not open to civilized people.

PLURALISM requires that each player—the church, too—have its own integrity. It is not for the state to tell the church what to hold moral or how to conduct itself morally. The state must uphold its own laws—but, in the area of moral choice, *very* carefully.

The *Times* has not been courteous to Archbishop O'Connor. In their flailing, in fact, its good editors have not yet discerned the fundamental issue. Even should the *Times* turn out to be correct, and the archbishop incorrect, on the constitutional issue, its arguments against him have been conducted in the dark. Will somebody turn on the light? □



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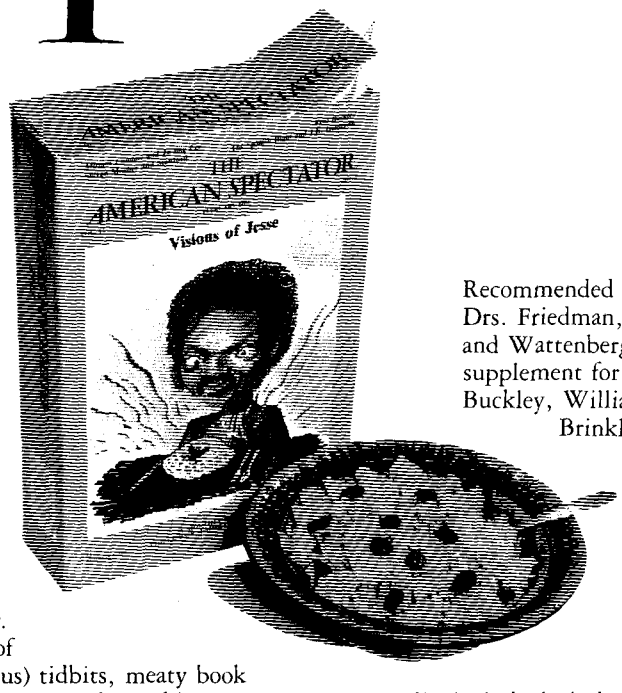


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# GILDERING THE LILY

**Aram Bakshian Jr.**

*The Spirit of Enterprise, by George Gilder (Simon & Schuster, 274 pp., $17.95)*

TOO MANY people seem to have forgotten that the word "wealth" means well-being as well as affluence. Four years ago, in *Wealth and Poverty*, George Gilder pulled together the long-existing but recently neglected strands of morality, folk wisdom, and basic elements of human nature that can lend to wealth and its accumulation a moral dimension—a virtue—that even the staunchest defenders of capitalism often ignore. Most but not all. A hundred and fifty years ago, Alexis de Tocqueville smelled a benevolent rat and wrote that

> The love of wealth is . . . to be traced, as either a principal or accessory motive, at the bottom of all that the Americans do; this gives to all their passions a sort of family likeness . . . It may be said that it is the vehemence of their desires that makes the Americans so methodical; it perturbs their minds, but it disciplines their lives.

For that matter, one can go back as far as the fifth century B.C., when Thucydides asserted of free Athenians that wealth was not "mere material for vainglory but an opportunity for achievement."

In our time, it has fallen to Mr. Gilder's eloquent, impassioned, and occasionally empurpled pen to reassert the positive, moral good of the free market in general and the American spirit of entrepreneurship in particular. In *The Spirit of Enterprise*, he does so on both philosophical and anecdotal levels. The result is a magnificent encapsulation of the soul of capitalism as embodied in individual entrepreneurs and their collective legacy to progress and prosperity—things often misunderstood by professional economists.

The problem with most conventional theories of capitalism, says Mr. Gilder, is the failure to appreciate fully this positive, perhaps inadvertently altruistic role of the entrepreneur:

> The capitalist is not merely dependent on capital, labor, and land; he defines and creates capital, lends value to land, and offers his own labor while giving effect to the otherwise amorphous labor of others. He is not chiefly a tool of markets but a maker of markets; not a scout of opportunities but a developer of opportunity; not an optimizer of resources but an inventor of them; not a respondent to existing demands but an innovator who evokes demand; not chiefly a user of technology but a producer of it. He does not operate within a limited sphere of market disequilibria, marginal options, and incremental advances. For small changes, entrepreneurs are unnecessary; even a lawyer or bureaucrat would do.
>
> In their most inventive and beneficial role, capitalists seek monopoly; the unique product, the startling new fashion, the marketing breakthrough, the novel design. These ventures disrupt existing equilibria rather than restore a natural balance that outside forces have thrown awry. Because they can change the technical frontiers and reshape public desires, entrepreneurs may be even less limited by tastes and technologies than artists and writers, who are widely seen as supremely free. And because entrepreneurs must necessarily work and share credit with others and produce for them, they tend to be less selfish than other creative people, who often exalt happiness and self-expression as their highest goals.

This is serious stuff. If we accept Mr. Gilder's basic premise—as this reviewer does—then the entrepreneur becomes the pivotal figure in a productive, free society with existing basic values. Unlike most artists, academics, or politicians, he does more than simply chart or depict extant social landscapes. He creates, expands, and alters them, most often using the marketplace as his medium. The prime threat to a better future, then, becomes those forces, regulatory and confiscatory, that, often with the best of intentions, stifle the entrepreneurial ideal or deprive it of its necessary tools. Again, Mr. Gilder lucidly describes the phenomenon:

> The key to growth is quite simple: creative men with money. The cause of stagnation is similarly clear; depriving creative individuals of financial power. To revive the slumping nations of social democracy, the prime need is to reverse the policies of entrepreneurial euthanasia. Individuals must be allowed to accumulate disposable savings, to wield them in the economies of the West. The crux is individual, not corporate or collective, wealth. No discipline of the money supply or reduction in government spending, however heroic, no support scheme for innovation and enterprise, no program for creating jobs, no subsidy for productive investment, however generous and ingenious, can have any significant effect

*James H. Andrews is an editorial writer for the* St. Louis Globe-Democrat.

*Aram Bakshian Jr. writes and broadcasts frequently on politics, culture, and history. An aide to three U.S. Presidents, he is most recently the author of* Winning the White House: An Insider's Guide, *published in England last fall by Ross Anderson Publications.*

*Dan Dickinson is president of the Productivity Communication Center in Massachusetts.*

*Francis B. Randall is a professor of Russian and Communist studies at Sarah Lawrence College.*



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without an increase in the numbers and savings of entrepreneurs.

Now all of this makes such obvious sense that one is tempted to dismiss it as a self-evident truth not in need of repetition—a governing assumption graven in the national character. And, to a certain extent, it *is*, in the daily conduct of millions of small businessmen and other ordinary citizens. But never has it been so well articulated, and never has it so needed articulation for the growing legion of scholars, regulators, and social activists who, out of blindness or malice, have done so much to undermine the spirit of enterprise in our lifetimes.

Mr. Gilder reinforces his case by mustering strong past and present anecdotal evidence. Some of the portraits he paints are remarkably vivid and inspiring in their very simplicity, from the Idaho farmer who started with a small patch of wasteland and ended up supplying potatoes to McDonald's, through the waves of Cuban, Indochinese, and other recent immigrants who have shown how much good can be generated by hard work and sound thinking in a land of opportunity, to young innovators in the field of high technology. These are the real altruists of our time, altruists in a way that even Ayn Rand might have appreciated if she had been able to see beyond her gospel of selfishness to a deeper human truth.

Naturally, in a free market, all is not sweetness and light. Mr. Gilder is the first to concede this, since, "in the harsh struggles and remorseless battles of their lives, entrepreneurs are no saints, and far from sinless. They bear scars and have inflicted many. Since their every decision has met the empirical test beyond appeal, they are necessarily the world's true realists, most proven pragmatists." But, by building hope and opportunity, they are also a class of men who, more than most, "embody and fulfill the sweet and mysterious consolations of the Sermon on the Mount and the most farfetched affirmations of the democratic dream."

With grace, wisdom, and fervor, George Gilder tells their story and inspires us all with a fresh appreciation for the heroic aspect of capitalism—the Spirit of Enterprise, without which freedom is doomed to decay and even the highest of civilizations is bound to wither. One hopes the message has arrived in time. □

## THEORY AND PRAXIS

### Joseph Sobran

*Freedom with Justice: Catholic Social Thought and Liberal Institutions, by Michael Novak (Harper & Row, 253 pp., $17.95)*

MANY CATHOLIC thinkers have had a hard time seeing in capitalism anything but systematized avarice. Yet, as Max Weber said, the impulse to acquisition has, in itself, nothing to do with capitalism: It has always been common to soldiers, gamblers, waiters, prostitutes, and artists. Acquisitiveness is universal; capitalism isn't. The capitalist, according to Weber, is a secular ascetic who forgoes consumption in order to produce. To use John Stuart Mill's distinction, the capitalist turns wealth into capital, wealth-producing wealth.

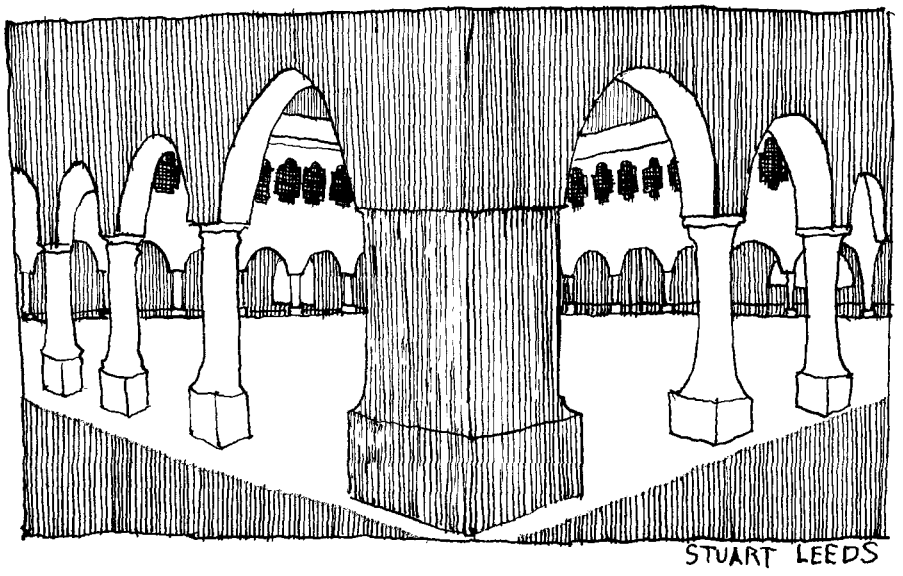
Hilaire Belloc argued that the Catholic Church had mistakenly seen the French Revolution as an enemy for accidental and superficial reasons of history; in a similar vein, Michael Novak argues in *Freedom with Justice* that the Church and economic liberalism have mistaken each other for enemies when they should have been natural allies.

> This was a tragedy both for Catholicism and for liberalism. Liberalism needed the Catholic sense of community, of transcendence, of realism, of irony, of tragedy, of evil. And Catholicism needed the institutions of liberalism for the incarnation in society of its own vision of the dignity of the human person, of the indispensable role of free associations, and of the limited state respectful of the rights of conscience.

How did this mistake come about? Novak observes that it is "counterintuitive" to think that economic decentralization makes production more efficient and distributes wealth more widely than a planned economy could. Naïve intelligence would expect socialism to do the job better, just as it would expect the heavy sphere to fall faster than the light one. Yet experience shows that capitalism does the job better than socialism.

Novak stresses the importance of the capitalist experience for another reason. Capitalism in practice is different from, and in some ways better than, capitalist theories. To borrow a Marxist term, Novak emphasizes the capitalist *praxis*. Chesterton remarked that the real American is all right; it is the ideal American who is all wrong. Novak would say something like this in behalf of real capitalism: It has generated humane institutions, even if some of its theorists sound bloody-minded. Socialism, by contrast, sounds humane in theory but has produced incalculable suffering.

Novak sounds less like the sunny George Gilder than like Reinhold Niebuhr, one of his intellectual heroes. He doesn't try to make a Madison Avenue case for a free economy by promising shiny new Cadillacs to Bolivian peasants. Instead he begins with cautionary reminders that "all human acts are tinged with irony and tragedy." Forswearing the accents of Enlighten-



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ment liberalism, he speaks of "contingency, failure, error, evil, and malice." In this flawed world we see as in a glass, darkly, and it behooves us to proceed with care. Borrowing Eric Voegelin's terminology, and transposing the insights of Friedrich Hayek into a theological key, he rebukes "gnostic" Christians who seek perfection in this world: An economic order based on individual dignity, yet aware of sin and limitation, can't be utopian.

At times he is too kind to the gnostics. It won't do to give utopians credit for "ideals" that are really fantasies with no relation to the world God made (and continuously makes). The "ideals" of the Left are as insane as Hitler's fantasy of a Master Race, and by now have done so much harm that their proponents must be held fully responsible, not excused as well-meaning bunglers. The Left is wicked, ruthless, power-mad, energized not by charity but by hatred. The day when a reasonable man of empirical disposition could incline earnestly to socialism is past, and this is a simple fact to be taken into account in dealing with the contemporary Left, which "speaks out" only against sins that palliate its own.

Novak's great virtue is a profound reasonableness, which with him is a driving passion. He exemplifies the virtue he appeals for: intellectual gratitude, an accurate appreciation of the world as it is, a world in which patient intelligence can gradually discover and put to use the real properties of things. The sin of the Left is that it refuses to appreciate the world this way, and makes—allegedly on behalf of all mankind, but in practice on behalf of a power clique—an infantile demand for things that cannot be, like the man who seeks the ideal woman without pausing to ask himself whether the ideal woman would find him the ideal suitor.

Novak's appreciation is not uncritical: "Catholic social thought, for all its achievements, is still incomplete." He hopes to reconcile that thought to liberal institutions. In order to do this he examines papal social encyclicals from Leo XIII to John Paul II and devotes a special chapter to two influential nineteenth-century Catholic social philosophers, Wilhelm Emmanuel von Ketteler and Heinrich Pesch, who remain unknown in America. Both were suspicious of liberalism and championed a more communitarian, though not socialist, approach to social order.

In another chapter, Novak shows that the young John Stuart Mill was by no means a crass defender of laissez-faire capitalism but was, rather, a discriminating student of the nature of production. Mill, it is enlightening to learn, was concerned with the social consequences of private ownership and never advocated unqualified property rights. One wonders how a man so appreciative of civilized capitalism could have turned to socialism in later years; but it is, alas, beyond Novak's scope to answer this question.

Later chapters address modern papal encyclicals on social and economic questions and argue that even the most apparently anti-capitalist of them are radically unresolved and leave room for the kind of development he proposes: a social order based not on the atomized individual of so many conservative and Marxist nightmares, but on the "communitarian individual" whose freedom, as Burke perceived, presupposes civil society and its moral ethos. This individual is himself a social institution, not a donnée of the state of nature to whom society must apologize for its existence. What the poor nations need is not Western cash but their own versions of Western institutions. They need to think less about "distributive justice," Novak contends, and more about "productive justice." We have failed them not in example but in precept, because we have failed to appreciate our own *praxis*: "Our sins may be as scarlet, but some of our ideals, neglected even in our own theories, are most visible in practice." This book does much to endow our practice with a worthy theory. □

## TAR BABY

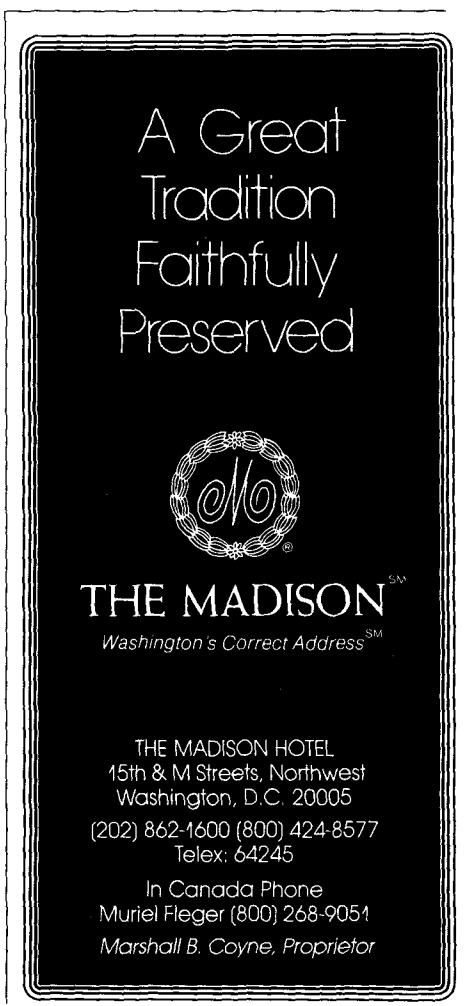
### James H. Andrews

*The Establishment vs. the People, by Richard A. Viguerie (Regnery Gateway, 279 pp., $12.95)*

LET'S BE honest. There are conservatives who regard Richard Viguerie much as Churchill regarded Charles de Gaulle during World War II ("The heaviest cross I have to bear is the *Croix de Lorraine*"). For them, his new book will do but little to make him seem a more winning or reliable comrade-in-arms. This observation is not offered gratuitously, for the importance of Mr. Viguerie's book—which is subtitled "Is a New Populist Revolt on the Way?"—probably lies more in its potentially disjunctive effect on the conservative coalition than in any damage it may cause to its ostensible target, the liberal "establishment."

As though to confirm this hunch, a few months back there appeared in these pages an exchange between Joseph F. Johnston Jr. and Mr. Viguerie regarding the current "flirtation" of some conservatives with the rhetoric and, to some extent, the substance of populism. Mr. Johnston believes populism is a tar baby that conservatives cannot become entangled with and emerge unscathed. He argues that populism has a concrete historical meaning, which embraces egalitarianism, anti-capitalism, economic regulation, cheap money, and political expediency, seasoned with racism, anti-Semitism, and know-nothingism.

Mr. Viguerie is less fastidious about new wine and old bottles. As the concerns of the people change, he says in effect, populism changes corresponding-





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## RANDOM NOTES

☐ More January Titles: *Red, White, and Blue Paradise: The American Canal Zone in Panama* (Harcourt Brace, $16.95), by Herbert and Mary Knapp, is an interesting indictment of the Carter-Torrijos treaties by two schoolteachers who arrived in the Canal Zone in 1964 to witness the so-called Flag Riots, and departed shortly after the treaty-making. The Knapps' Torrijos is a thoroughgoing cynic and mountebank; their Carter hardly more than a useful idiot.

In *Economics in the Real World* (Simon & Schuster, $16.95), Leonard Silk, a financial columnist for the *New York Times*, explains the history and theory of stagflation and other matters of concern.

Elizabeth Frank's *Louise Bogan: A Portrait* (Knopf, $22.95) is an excellent study of an accomplished twentieth-century poet (1897-1970), whom Auden considered one of the most distinguished of his contemporaries in America.

☐ Coming in February: *Sherman's March and Vietnam* (Macmillan, $14.95), by James Reston Jr., makes the interesting case that the American Civil War and the Vietnam War had much in common as far as their psychological effects went; and the odd one that General William Tecumseh Sherman's "scorched earth" policies, carried out during the famous march to the sea, provided the precedent for what Reston considers to have been American excesses in Vietnam.

Robert J. Schoenberg's *Geneen* (Norton, $19.95) is a biography of the former head of International Telephone & Telegraph, written without the cooperation of its subject (and apparently in defiance of attempts to thwart the project) but looking to be quite interesting and informative nonetheless.

*A Cloak of Light: Writing My Life* (Harper & Row, $19.95), by Wright Morris, is the third volume of memoirs (following *Will's Boy* and *Solo*) by the distinguished —if often wrongheaded—writer, critic, and photographer. —CW

ly. Thus, modern populists are "anti-racist, compassionate, anti-Communist, future-oriented, and grounded in traditional values. . . . They promote economic growth and a return of power from the Federal Government to the states and localities and to the individual." Besides, he adds, the nineteenth-century populists weren't as bad as they've been made out; above all else, they—like their modern descendants—had faith that the people "are smart enough to manage their own affairs," in contrast to those "elitists" who fear and distrust the people.

To be sure, there is much in Mr. Viguerie's book that every conservative will agree with. His bill of particulars against modern liberalism—growth-stunting taxes, inflation, the welfare system, moral relativism, irresolution in the face of Communist aggression—will make every red-blooded conservative run to fetch his musket down from the wall. Nor will Mr. Viguerie get any argument here on many of his sensible prescriptions for curing our ills.

Why, then, is the book so off-putting? To begin with, there's the populist rhetoric that gave Joseph Johnston indigestion. What a garage sale of shopworn usage Mr. Viguerie lays out: establishment, elitism, Big Government, Big Banks, Big Media (in Mr. Johnston's perfect words, "For Viguerie, everything big is also bad, except for big clichés"), country-club Republicans, the little guy, the working man, make America great again. Sinister trope abounds: the Ivy League, the Council on Foreign Relations, Chase Manhattan. And then there are the catchy locutions, like "the elite establishment is messing up our lives."

Of course, the problem is deeper than just unimaginative speech, for with the New Right, no less than the New Left, simplistic language betrays (at best) a lack of analytic exertion. Mr. Viguerie seems to be uninterested in, if not innocent of, ideas. His opinions —of which, as an energetic man, he has many—are essentially reflexive, as bereft of ratiocination as the editorial cartoons that make up one of the book's chapters or the dust-jacket-style blurbs that fill another. That many of his observations are pithy and true only partially mollifies those for whom conservatism is a construct of noble ideas and sentiments artfully crafted by expansive minds. The populists seem to be devoid of political culture, in the sense of an awareness of conservatism's intellectual heritage. For them, such luminaries as Russell Kirk or James Burnham might never have written—not to mention Burke, Publius, and the others.

These differences in style and culture, as strongly as conservatives feel about them, probably could be overlooked if they were all that set the populists apart. But less forgivably—indeed, unforgivably—the populists turn much of conservative orthodoxy on its head. The hierarchical ordering of society has never alarmed conservatives; quite the contrary, provided there are not unfair barriers to entry into the higher strata. By the same token, the "people" are not regarded as the repository of any special wisdom or virtue, certainly not in the sentimental, Rousseauvian sense suggested by demagogues of both the Right and the Left.

Conservatives know that social and political elites (a word they manage to pronounce without a sneer) are inevitable and serve a positive good when functioning consistently with democratic principles. They check popular enthusiasms and the tyranny of the majority, against which there are no inherent safeguards in the populists' leveling credo. No more does populism offer a coherent criticism of such responses to the *vox populi* as pork-barrel politics, welfarism, or the more execrable products of popular culture.

Such things seem beyond the ken of the populists. It seems unlikely, therefore, that conservatives and populists can ever be more than allies of convenience. Mr. Viguerie seems to have reached the same conclusion, as evidenced by his prediction that the populists soon will be driven by Republican faint-heartedness to form a new party. If it comes to that, may the two groups, sharing as they do a common foe, separate like Abraham and Lot, without rancor. ☐

## THE THIRD WAY

### Dan Dickinson

*Staying on Top: The Business Case for a National Industrial Strategy, by Kevin A. Phillips (Random House, 171 pp., $15.95)*

During the recent recession, liberals revived an idea last forwarded during the Depression: a national industrial policy.

Such luminaries as Lane Kirkland and Felix Rohatyn waxed nostalgic in their industrial proposals, calling for a revival of New Deal nostrums like the Reconstruction Finance Corporation to revive basic manufacturing and "build infrastructure" through public jobs. Meanwhile, the so-called neoliberals



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quarreled with suggestions for propping up antiquated operations: What was needed, they said, was an effective transition from today's loser industries to tomorrow's high-tech winners. With the neos' indispensable guidance, American workers could trade their wrenches for lab coats and march boldly into our collective megafuture.

Although these ideas were briefly the rage, the voices demanding an industrial policy were soon left muttering to themselves. For one thing, the idea was attacked not only by conservatives but also by liberals like Charles Schultze, who called industrial policy "a solution in search of a problem." The recovery underlined Schultze's point. Now, however, just when it seemed that we had heard the last of it, we have Kevin Phillips calling for a conservative "national industrial strategy." Phillips hasn't just missed the boat. He seems oblivious to the fact that it has sunk.

Phillips's industrial proposals are based on a questionable thesis. Because of the allegedly disastrous effect foreign industrial strategies have on our economy, Phillips says reliance on the market is misplaced. "Businessmen," Phillips warns, "must set aside old concepts of laissez-faire . . . it is time for the U.S. to begin plotting its economic future."

How can we chart our trade tomorrows? Whereas the Democrats call for bureaucrats to aid and direct business, Phillips says government should promote corporate interests without seeking a role in management; what Phillips favors is a "third way" between industrial policy and a free market. Whereas the neoliberals want big brother, Phillips sees government as business's rich uncle: protective, aggressive in forwarding its interests, and willing to supply cash as the need arises. Nor should conservatives blush to seek such public aid. Other conservative governments are already providing it, Phillips contends. Moreover, the public favors industrial policy.

Phillips's argument that the market has failed rests on some shaky assumptions. He reminds us that the United States is experiencing a devastating decline in manufacturing due to overseas competition, which threatens everyone. But he neglects to mention also that its economy is creating employment at a faster rate than that of any other Western industrialized nation; in manufac-


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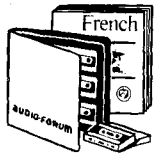


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turing, the U.S. is one of only three nations increasing the number of jobs. He bemoans our productivity problem, which is indeed a serious matter. But how can "industrial strategies" improve efficiency when those sectors with the worst difficulties—autos, steel, and the bureaucracy—already experience substantial government involvement, while those increasing efficiency most effectively, such as small business and high-tech, are generally unregulated?

Phillips turns his biggest guns on the proponents of free trade. How, he asks, can we compete against foreign industries that pay low wages and are subsidized by the "industrial policies" of their nations? Here too, Phillips fails to read the economic tea leaves accurately. While it is true that some nations subsidize market entry, this is not necessarily bad for America. When Belgium, France, and Britain underwrite exports, they subsidize the manufacture of every American product made with the exported materials. Cheap goods from abroad, sometimes courtesy of hard-pressed European taxpayers, aid the efficiency of American industry and improve our living standard.

When Phillips gets beyond these rationales for an industrial strategy, he offers several suggestions of differing degrees of soundness. His calls for better patent protections and for relaxing antitrust laws to allow American firms to co-sponsor research are unexceptionable. His recommendation of an IRA to allow workers to set aside money for retraining also has merit. But Phillips runs into problems when he advocates interventionism. In pushing for a new International Trade and Industry Cabinet post, he assures us that this will merely put a number of existing programs under one roof. But what would such a department become under a Democratic Administration? His urging of trade-reciprocity legislation also provokes concern. Would such action lead to a trade war? Possibly most dangerous is Phillips's support of a value-added tax to promote savings. This device, which conceals taxation by adding it into the price of goods, is a prime culprit in the development of Europe's confiscatory tax rates. Wouldn't ending the double taxation on interest and gains be a better idea?

The silliest reason Phillips musters for adopting his proposals is that we should do it because others do, and because our own people demand it. He is correct in arguing that some conservative governments have adopted industrial strategies. But to what effect? It was the Tories, he says, who scuttled free trade in the Thirties. Has Britain benefited? In France, Phillips reports, conservatives put the government into the electronics, auto, and steel industries. But these firms are awash in red ink. Then there's Japan. Is its economic success owing to industrial strategies? Or rather to low taxes and responsible policies that have controlled inflation and promoted savings?

Regarding the American public Phillips cites polls boosting protectionism and cooperation among business, labor, and government, while ignoring others that have shown support for free enterprise and "separation of powers." Meanwhile, Rhode Island voters were asked recently to approve the Greenhouse Compact, an industrial strategy that embraced much of Phillips's program. It went down to overwhelming defeat. Perhaps there remains a greater constituency for freedom than Phillips imagines. □

# HAPPY TO BURY YOU

## Francis B. Randall

*Survival Is Not Enough, by Richard Pipes (Simon & Schuster, 290 pp., $16.95)*

IT'S A discouraging world. Richard Pipes, a distinguished historian of Russia at Harvard and a recent former member of the National Security Council, has written a grim analysis of the Russian rulers, a program for us to counter them, and a sermon, both impassioned and elegant, against our many national fatuities on the subject of Communism.

Professor Pipes is proud to be a "hard-line anti-Communist," insisting that the alternative is a "soft-line pro-Communist." He describes how the USSR is ruled by its Communist Party's *nomenklatura*, a dominant 100,000 and a supporting 650,000 bureaucrats who hold or are eligible to hold all important positions. He shows how this ruling class created, and imposes on the whole USSR, a military colossus, a bungled mess of a socialist economy, and a prison house of peoples.

The *nomenklatura* is no longer fanatically Communist, but it is dead set on maintaining its privileges and on expanding Soviet power so as to force the rest of the world to subsidize those privileges. The *nomenklatura*, most of whose members come from a peasant background, ceaselessly and ruthlessly pursues its own collective interest, and assumes that any foreigner who claims not to is either a trickster to be wary of or a fool to be gulled. The supercentralized Communist mess of the way the USSR is set up and run is necessary to keep the *nomenklatura* on top, so it will never be voluntarily reformed. But the mess can never satisfy the needs and aspirations of the more than a quarter-billion citizen-prisoners, so the *nomenklatura* must continually expand its foreign activity in order to grab more resources and to show its own peoples by means of terror abroad that they have no chance of successful rebellion at home.

The *nomenklatura* therefore pursues a Grand Strategy of a foreign policy, a relentless, long-term, integrated program of orienting the economy to military gains, of carrying out a colossal military build-up, and of maintaining a global campaign of direct conquests, proxy wars, terrorism, propaganda, building Fifth Columns, and gulling, bribing, and frightening fools into assent, silence, or despair. Professor Pipes brings much evidence for this view, but he cannot prove it in a book of this size. America and the world are divided into those who know he is correct and those who believe the Communists are nicer than that.

The most eloquently and wonderfully irritable parts of the book are those in which Professor Pipes castigates American politicians bamboozled into seeking "accommodation" with the USSR, media people manipulated into soft presentations of the Soviet threat, and businessmen bribed by contracts into becoming "the most unabashed voice in the West" for concessions to the



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USSR. Professor Pipes may be conservative but no one can accuse him of being in any businessman's pocket. This section rises to a savage climax in its denunciations of scholars managed by visa grants and adulation, liberals blathered into criticizing only anti-Communists' sins, and elites for whom anti-anti-Communism is a litmus test for snobbish superiority over the masses, whose surviving sturdy anti-Communism is snooted over as "a kind of intellectual equivalent of chewing tobacco." Lenin called all these groups "useful idiots," and so does Professor Pipes.

His last section is called "What Can We Do?" He says we have done a wretched job of countering the Soviet Grand Strategy from 1917 to date. He has some kind words, by no means unalloyed, for the Reagan Administration. A democracy, he fears, simply cannot coordinate all its country's resources except in wartime, and can never guarantee consistent policy for decades—can never follow a Grand Strategy of its own to check the Soviet threat.

Nevertheless he urges a whole program of measures: We should maintain and improve our nuclear forces and greatly expand and improve our conventional military forces. We should stop signing sappy agreements with the USSR—such as SALT I—which somewhat restrain us but allow the *nomenklatura* to build whatever tens of thousands of nuclear weapons it pleases. Above all we must resolutely rid ourselves of our mindless, liberal fear that nuclear war will wipe out the world, a fear that paralyzes our will. The *nomenklatura* believes it can fight and win a nuclear war and survive to dominate the world, and it is preparing to be able to do so at will.

Along the way, we should stop easing Soviet economic problems by trading with the enemy, stop passively assenting to every new Soviet conquest and atrocity, step up greatly our own use of proxy wars and guerrilla warriors against Russia and its far-flung colonies. And we should push Europe into accepting full co-responsibility and carrying its full load in the eternal struggle.

All this is indeed a hard line, virtually a Grand Strategy. We need never get to arguing whether it would work. We don't even need to fear that nuclear war might really be the End. We have but to read Professor Pipes's telling criticisms of our softness, inconstancy, and built-in fatuities to realize that a democracy is indeed incapable of a Grand Strategy and that ours is now incapable even of half measures. Professor Pipes is making a tragic effort, but I doubt if he really has much hope. It's a discouraging world. □

## FILM

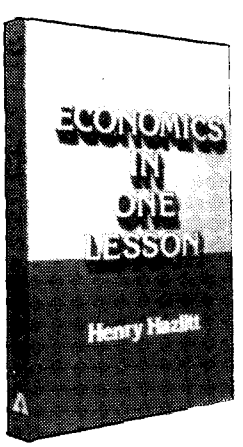
# AS IT IS LIVED

**John Simon**

GENEROUS AND wise, Bertrand Tavernier's *A Sunday in the Country* is small without being trivial, moving without being sentimental, wistful but not without letting laughter cut in on the nostalgia. It does something greater than show us "fear in a handful of dust"—it shows us the unease, sadness, fear in a handful of generally carefree


*"(Hazlitt) is one of the few economists in history who could really write."*
—H.L. MENCKEN

**ECONOMICS IN ONE LESSON**

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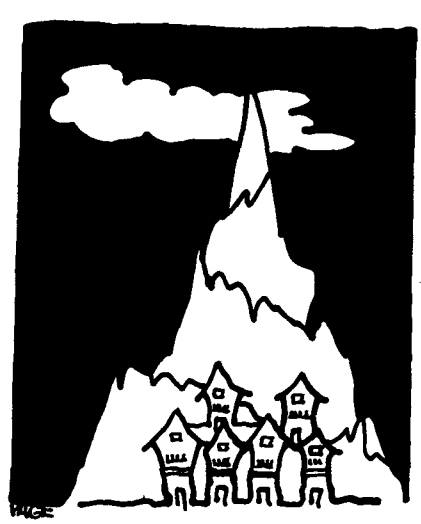
hours in the country one late summer day in 1912. And it shows how one lives on with such fears, disappointments, and heartaches, and keeps hoping for the next Sunday.

Based on a short novel by the late novelist and screenwriter Pierre Bost, *Monsieur Ladmiral va bientôt mourir*, the film was written by Tavernier and his wife, Colo, from whom he is separated. The screenplay is about one-half Bost and one-half Taverniers, and it is a marvel how well the three blend. The theme, as Danièle Bion puts it in her book on Tavernier, is "Nothing but a bourgeois family at the start of the century and, magnified with a loupe, the intermittences of the heart." That Proustian allusion is apposite: Even though *A Sunday in the Country* lasts only 94 minutes, it has many of the qualities of Proust's great novel *in parvo*; in particular the almost aching love for the minutiae of living, and the sense of how the carelessnesses and unthinking cruelties of those we love hurt us. But there is no time to bleed; life rushes us on too fast.

M. Ladmiral is a successful minor painter who did well enough to earn a good living, a house in the country (where the action takes place), and the rosette of the Legion of Honor, which he proudly wears. What he lost with the years was, first of all, his beloved wife, for whose sake (in part) he remained a safe, conventional artist, even though he was dimly aware of what Cézanne, Monet, and some others were up to. He also lost the joy of painting outdoors (now he keeps doing studio interiors) and his youth: He is 76 and inchoately afraid of dying, hence his rather reckless show of youthfulness. He has two children: a businessman son, somewhat pretentiously named Gonzague (and renamed, rather commonly, Edouard by Marie-Thérèse, the secretary whom he married); and a daughter, Irène. Gonzague loves his father and comes to visit him from Paris almost every Sunday with his wife and three children. He is also proud of his father, for whose sake he gave up painting. Had he been bad, his father would have been ashamed; had he been good, his father might have seen him as a rival.

Irène, on the other hand, is a free spirit, drives a dashing car, runs a boutique in Paris, has lovers (or at least a lover), is as lively as Gonzague is staid, and, though she loves her father in her own way, visits him but rarely. And yet the old man is indifferent to his son and worships his daughter. Of such small—or not so small—injustices is life made up. So, too, Marie-Thérèse, though she suits Gonzague well enough, is considered by M. Ladmiral beneath his son's station; that is also unfair. Of the children, Mireille, the little girl, is clearly preferred to her elder brothers; like Irène, she will be able to get away with anything. And there is old Mercédès, the tough housekeeper, with whom M. Ladmiral keeps sparring; she regularly threatens to leave, though she has no such intention, and M. Ladmiral pretends to believe her. As the off-screen narrator (Tavernier himself) says: "He carefully cultivated his false fear of finding himself abandoned, the last memento left to him, perhaps, of normal relations with women." It was a shrewd choice of Tavernier's to keep such jewels of perception in voice-over; I only wish he had kept a few more than he did.

Gonzague and family come on this Sunday, and there are sundry little shows of affection, power plays, arguments—even a flashforward in which Gonzague sees his father dead. It is a hot, somnolent day, and M. Ladmiral doesn't even think of working on *A Nook of the Studio*, yet another interior he has begun. There are games, fights, scares: The boys throw a mud pie at a window; Mireille climbs up a tree and can't get down, and must be rescued by her clumsy father. Siestas are taken by everyone except the wild boys and Mercédès, whose household tasks punctuate the day. A nervous shot of a car speeding through the countryside irrupts on the leisurely pace a couple of times, and, suddenly, heralded by her poodle, Irène bursts onto the scene, prodding everyone into alertness, excitement, adulation, or envy. Observe the look Marie-Thérèse gives her when her children cozy up to their aunt as they don't to their mother. And the adoration of her father! When she insouciantly plucks the last rose off a trellis, the old man opens his mouth to remonstrate, but promptly closes it: This is Irène!



From the very titles, we know we are in the hands of a master. They are simple white on black, but we hear the frolicking of children and then a kind but grave woman's voice: "When will you stop always asking more of life, Irène?" That is all, but both the tenor and the undercurrents of the film are there. The Taverniers, unlike Bost in his book, bring back characters from the past. M. Ladmiral's late wife is sometimes present, seen and heard only by her husband; two little girls in bright summer dresses periodically romp in and out of view—M. Ladmiral even talks about them as if they were really there. Their exact relevance remains unclear, but no matter—they exude the loveliness of what's lost.

Tavernier has performed many wonders. He has cast a marvelous old theater director/actor/writer/composer, Louis Ducreux, in the lead. Ducreux, who looks remarkably like Paul Valéry, has a face that responds to feelings as a pool does to pebbles: It ripples from meltingly winsome to bravely holding in its hurt, from boyishly hopeful to pettily testy and suddenly old. He acts with a slight cerebrality, as directors often do (which is fine for this cautious man); yet at crucial points he becomes spontaneous to the point of transparence and acutely touching. Equally stunning is Michel Aumont as Gonzague. He conveys the slightest nuances, such as the grain of fatuity at the core of decency; the tiny awareness of being unloved by his father, which he does not want to admit to himself; hints of jealousy of Irène that surface involuntarily; faintly desperate efforts at marital, paternal, and social propriety—in short, all the insecurities and awkwardnesses of this kind, uncomfortable man, expressed with ultimate subtlety. Scarcely less prodigious are the glitteringly self-assured yet secretly troubled Irène of Sabine Azéma, the crusty and canny Mercédès of Monique Chaumette, the somewhat obtuse and officious yet also



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vulnerable Marie-Thérèse of Geneviève Mnich; everyone, in fact, is splendid.

The camera movements, though at times seemingly excessive, are actually an expression of exuberance to match the quirks, animation, eagernesses of the various characters. You can feel the camera's urge to be everywhere at once, to capture every fleeting mood, to know all there is to be known about this Sunday and its denizens. With the cinematographer Bruno de Keyzer, Tavernier has worked out a chameleon palette: Gently, offhandedly you are reminded of all sorts of painters from Corot to Vuillard via Carrière; and, during a charming outdoor-café sequence that is not in the novel, there are, suddenly and at once, Manet, Monet, and especially Renoir. But none of this is made a big show of; it merely suggests that there were great painters behind, around, before Ladmiral, even if he did not have the talent or guts to be one of them. And whereas Bost's Ladmiral merely mentions Carrière, Tavernier's hero even tells a charming anecdote concerning him. For Tavernier is the master of the seemingly irrelevant yet surprisingly revealing anecdote—as witness the one about the Roman consul Canius Fabius, which I'd sooner die than give away.

Note especially the superb choreography of Ladmiral's and Mercédès's conflicting movements during the opening sequence, how the camera follows alternately one and the other, how the soundtrack records the contrasting tunes each of them hums—a quasi-marital battle between master and servant that the camera reports with bewildered amusement. Note also the extraordinary sequence of shots at the end, particularly the overhead shot through the studio's glass ceiling, which conveys Ladmiral's bittersweet re-ensconcement in the cage of his art, and the extraordinarily moving (even if too optimistic) last shot, an exact repeat of the opening one, except that by now it is nightfall, so that the glowingly matutinal garden outside is no longer a worldly garden but a garden of the soul.

The choice of score, too, was a stroke of genius: Fauré's late chamber music. Fauré is the most exquisitely fastidious of all composers: Even his joy is faintly melancholy, even his passion punctiliously discreet. Added to this, in his last phase, is a spirituality,


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In her speech before the Republican Convention, U.N. Ambassador Jeane J. Kirkpatrick said: "The American people understand, as the distinguished French writer Jean-François Revel understands, that 'clearly a civilization that feels guilty for everything it is and does will lack the energy and conviction to defend itself.'"

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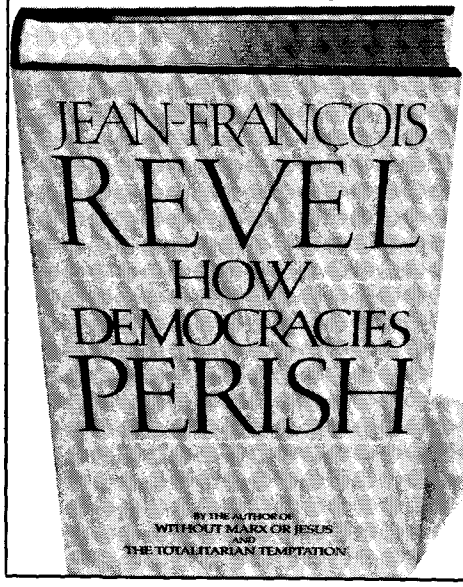


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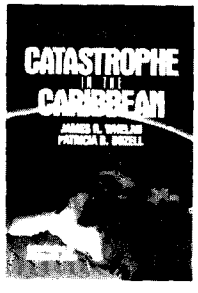


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—Jeane Kirkpatrick
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## Who Invited Castro?

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a frill-lessness, an even more tactful restraint. These perfectly mirror Pierre Bost's attitude toward his characters, toward life. And the music is used with uncanny finesse: just the right, sparing amount in the proper places. But, then, the whole film is composed with the checks and balances of chamber music. Herbert von Karajan, who never met Tavernier, sent him a letter declaring *A Sunday in the Country*, in the broadest sense, the most musical film he had ever seen.

The film does what most great works of art do: It breaks the heart. In the most understated way imaginable it reminds us of the transience of all beauty, happiness, life itself. I wish the Taverniers had kept the quietly devastating last line of the book; but their ending, besides being more upbeat, is also more cinematic. And they merit full forgiveness for the last exchange they have invented between Irène—driving back before dinner, because of a phone call, to her difficult, probably married lover—and her dreadfully disappointed father. "You're handsome," she tells the old man as she gets in her car; "Stay young!" he calls after her. The words are the Taverniers', but they epitomize the spirit of Bost's novel: a great courtesy quietly struggling with the rudeness of existence. □

# SOUND ON DISC

## 'PAPA' HAYDN? OH, YES . . .

**Ralph de Toledano**

JOSEPH HAYDN is never really forgotten. The great orchestras will occasionally trot out his *Surprise* or *Drum Roll* Symphony. His string quartets are regularly in the repertory of those who devote themselves to that very special form. In the Fifties, a few recording

# THE RIGHT BOOKS / CHILTON WILLIAMSON JR.

WHEN GENE PULLIAM died, in 1975, it was noted in many quarters that he had been the last of a breed—by which it seems to have been meant, among other things, that he was the last of the really big newspaper men to love newspapers for their own sake rather than as (or at least as well as) an integral part of some wider financial enterprise or as a means of entrée into the celebrity world of media politics. And yet, in addition to being a newspaper man, Pulliam was also a self-made American entrepreneur, in which capacity he had belonged perhaps even more stereotypically to another subspecies now practically extinct. In *Publisher: Gene Pulliam, Last of the Newspaper Titans* (Jameson Books, 722 Columbus Street, Ottawa, Ill. 61350; $16.95), Russell Pulliam—an editorial writer for the *Indianapolis News*, flagship of his late grandfather's newspaper properties—presents a well-written, interesting biography that succeeds in being at once objective and affectionate.

To the extent that Eugene C. Pulliam was an apt personification of that broadest class of Americans to whom *real* liberals point in justification of their despair of *meaningful change* ever being effected in this country, we may perhaps speak of him as having been a "conservative" of the garden variety. Measured according to less demanding standards, however, Pulliam stands forward as an unambivalent progressive, in this respect by no means untypical of his "breed" and a reminder therefore of the fact that many of our nineteenth- and early-twentieth-century "titans of industry" were not the reactionary monsters of the Marxist imagination but forward-looking, idealistic, and even rather naïve fellows.

Pulliam himself, born in a dugout in the plains of western Kansas in 1889, was the son of a circuit-riding Methodist preacher, and remained a devout Methodist all his life; and only to the extent that he refused to follow his denomination as it "grew" in his lifetime from Dickensian sentimentalism to a faintly malign, seminarian socialism can he be said to have become in any sense of the word a reactionary. He was a fervent believer in those emblems of the grasping bourgeoisie—"service" and "boosting" and Rotary—not because he believed in their usefulness as tools of the Establishment but because he was convinced that they were enhancers of that community life of which the Establishment (meaning Big Business at first; later a combination of Big Business and Big Government) was the enemy.

Pulliam, who got his start in 1909 with a reporting job at the *Atchison Champion* before moving up in a few months to a similar position at the *Kansas City Star*, took for his lifelong model William Rockhill Nelson, the *Star*'s formidable publisher, of whom Russell Pulliam writes that he "was a firm individualist, independent in politics, not owing loyalty to any political or financial backers, unlike most of his contemporaries in the newspaper world who were just as loyal to a political party as any Democrat or Republican."

Throughout his career, as he went on to acquire newspapers in Indiana and Oklahoma until finally he was the owner of four major ones—the *Indianapolis Star* and *News*, the *Arizona Republic*, and the *Phoenix Gazette*—as well as of a string of small Indiana dailies, he kept Nelson's principles firmly in mind with a tenacity that—in combination with a nonideological bent of mind, a pronounced naïveté in politics, and (especially in his later years) a weakness for flattery or anyway attention—confused his liberal friends and colleagues while irritating his conservative ones. After a 15-year association with Pulliam, for whom he had worked as editor and editorial writer at the *Indianapolis News*, M. Stanton Evans quit in 1975 in a disagreement over the desirability of a conservative third-party movement; while most—or at any rate many—conservatives had felt that Pulliam had extended the benefit of the doubt to President Nixon for far too long. (Characteristically, when Pulliam did at last break with Nixon, he did so because he believed the President had "lied" to him.)

Eugene C. Pulliam was indeed one of the last of a breed: that of the progressive, individualist entrepreneur, born of the last century with its quaint notions of positivistic Christianity, its naïve visions of human progress. But though he was not a conservative in any careful sense of the word, never making better than liberal Republican, he *was* indubitably old-fashioned—which is the next best thing. □



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companies discovered his majestic and passionate God-saturated Masses—foremost among the dozen he wrote the *Missa Sanctae Caeciliae* and the *Lord Nelson*. We are frequently reminded that he was self-taught, and that his contract with Prince Esterházy, the patron he served for so many years of his life, required him to be "perfectly clean" and to wear the "correct livery." And we are forever adjured to remember that he was "the forerunner of Beethoven" or that he was deeply in the debt of C. P. E. Bach.

His contemporaries saw him differently. Grétry could write of the Haydn orchestral music that it was "a vast dictionary of expression." When he left Esterház in his later years, he was hailed in London and Vienna as one of the giants of music—Mozart and Beethoven concurring—though sometimes a little troubling, because he tended to be too far in advance of the time's musical Geist. In his last years he was affectionately "Papa" Haydn, yet a monarch in his old-fashioned finery and powdered wig. Today, if we burrow among the pronouncements of a few perceptive musicologists, we are startled to see the image of a placid Haydn—somewhat in the rear of the felicities of Mozart's Fortieth—shattered by such phrases as "demonic tones," "harmonic intricacies of startling modernity," and "angular musical language."

Should we utter a caveat? Literary and musical criticism, in Hazlitt's cutting words, has a way of diving like a loon and coming up with its pocket handkerchief. Yet I submit that "Papa" Haydn was one of those rare geniuses who sprang fully armed from the forehead of Zeus to do battle with the music two centuries yet unborn. The proof is to be found in what Haydn, a so-so violinist by his own estimate, wrote for the keyboard. His piano sonatas—musical scholarship has yet to determine exactly how many he composed—are the open sesame to Haydn. When not ignored, they have been wrong-headedly played, usually with a small apology that their chordal structure is seriously flawed because poor old "Papa" did not quite know what he was doing.

The error was not in the scores but in the piano on which they were played—the brilliant modern piano that confuses those who attempt the last of the Beethoven sonatas. Haydn himself recognized how important the instrument was to his sonatas when he wrote to a pupil in 1790 to "try one built by Herr Schantz, his fortepianos are particularly light in touch and have a very agreeable mechanism. A good fortepiano is an absolute necessity"—and one on which his sonatas would be "twice as effective." The right piano is not only more effective in playing the neglected Haydn sonatas, it is essential.

Fortunately, we can now hear those sonatas on one of the best of the few remaining Schantz pianos, with that consummate artist and musical scholar, Paul Badura-Skoda, at the keyboard. Two albums of three records each—*Huit Sonates pour le Piano-Forte 1767-1779* and *Six Sonates & Pièces pour le Piano-Forte 1782-1797* (Astrée AS 913 and AS 914)—have been issued in this country by AudioSource (1185 Chess Drive, Foster City, Calif. 94404; telephone 415-574-7585). Much as I have admired the magnificent perceptiveness of Badura-Skoda's performance of the Beethoven sonatas, I find myself even more in his debt for the Haydn. For what he gives us is not only superlative interpretation, but an unbuttoning of the bone and marrow of these works.

In the Beethoven, Badura-Skoda dedicated himself to a faithful and meticulously accurate reading of the score. In the Haydn sonatas, he has invested himself in the composer's thought and then added his own insights. Haydn's melodic imagination was rooted in the German folk, and this is never forgotten. But beyond this, Badura-Skoda extracts the far-ranging originality of the sonatas—dynamic contrasts and variations, syncopations, hesitations, sudden explosions, dramatic silences, motifs emerging from the right hand or the left, a profusion of majors and minors, complexity in the embrace of simplicity. What Beethoven achieved by main force in his Opus 111, Haydn accomplishes with ease, particularly in the last three sonatas, written after Mozart's death. These pieces may have gathered dust over the decades, but they are rich, powerful, and beautiful forerunners of what early twentieth-century composers thought "modern."

A BRIEF NOTE: Recently the Castle Hill Festival in Massachusetts gave us a *Così Fan Tutte* in which Don Alfonso is a Vietnam vet, and Ferrando and Guglielmo are naval reservists mobilized to fight in a Reagan invasion of Nicaragua. This kind of gratuitous vulgarity is eschewed in Peter Hall's Glyndebourne Festival production of *Don Giovanni* (Angel DSCX 3953), which instead goes deeply into the intent and motivation of Mozart and his librettist, Lorenzo da Ponte. For, though Mozart labeled his masterpiece *opera buffa*, it was always far more than that—more than a tale of inordinate and comic lust and cruel seduction. As directed by Peter Hall, this formulary of sin is a glimpse into the abyss, a sheering view of the pride and terror of damnation. Its humors are black, absorbing the light of Mozart's perfect lyricism and da Ponte's most insightful libretto. Other recordings of *Don Giovanni* are vehicles for great singers, but one of the virtues of this Glyndebourne set is the balance of voices and a purposeful pace. Some fifty years ago, Glyndebourne gave us the first complete recording of *Don Giovanni*, issued by RCA Victor in three heavy shellac volumes. Transferred to LP, it lacked the fidelity of today's recording techniques, but it held its own. This new recording—excellently conducted by Bernard Haitink, with the London Philharmonic and the Glyndebourne Chorus—will be definitive for a long time to come. □

## THE GIMLET EYE

# THE PHONE-SEX INDUSTRY—PART II

### D. Keith Mano

"HEY," the skin-mag editor said, "you don't think those phone-sex ads are placed from a pay booth on Carmine Street by some creep in a polyester raincoat. They're placed by *agencies*. The credit-card phone-sex game is big business. Legit and lucrative and low-profile. They don't like publicity. You'll have trouble getting anyone to talk."

Much trouble. But finally Rick, the maven of switchboard scuzz, gave me a cautious interview. Rick claims to have invented lust by extension cord around 1980. I wonder how he hit on that. "Mr. Watson, darling, come here. I *really* need you."

Rick, in his noncommittal garment-



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district office—the women work at home—reminds me of a bent otter. Pleasant enough, but mucho cagey. Back in 1980 he meant to provide some vague kind of dial-a-therapist service. "But all people wanted was sex talk. And we failed to secure a therapist who was legit. The idea scared them. We started with one girl in a one-room apartment. It was cute, it was fun. Naughty, I guess, is the word. We even tried a service where women could call men, but that didn't work. Women don't have to pay—they can just dial *any* phone number. Are you going to hang up on a woman who calls to talk dirty?

"But right now the whole ballgame is changed. You couldn't start the way I started—competition is heavy, and you need a lot of dollars for advertising. I think the media has helped it reach the saturation point." Rick is tight as a wine-press screw, though, when you grope for hard details: this won't be the Book of Revelation, I can tell that. "Don't ask me how many women work for me because I won't answer." Or how much call volume he has. Or advertising budget. Or how he processes MasterCard and Visa through his bank. "And I'm not saying the Mafia isn't in it, I'm not saying it is—because I refuse to answer that question." For candor and general up-frontness Rick wins the porcelain hairnet.

Carol, his partner, was that first girl in 1980. She is 36 now, and, though cute as a sort of middle-aging Cabbage Patch doll, she could pass for Christie Brinkley on the phone. Carol, like that *Glass Menagerie* character, fell in love with long distance. She has become half madam, half den mother to Rick's women. (Also a cop: party-line women are subject to trick calls and surveillance—if found dating a client, they get their modular jack pulled out quick. The business is super-legal, even prissy.) "For training I like to use photographs," Carol told me. "Of a sandy beach or a bedroom. Then make them close their eyes and imagine it: the feel of sand or silk. And they have to listen to calls over and over again." Is she hiring now? "No. Our girls don't leave us. The job is too lucrative—a housewife can make $60 while the kids are in school. And get the dishes done—all she needs is a phone in her kitchen. There are millions of women who'd love to have the job."

So how're you gonna keep 'em down on the farm after they've phoned New York? Sociologically speaking that may yet be a more significant aspect of direct-dial sex. All at once the urban and rural are miscible here. On any given night our great, rolling, prone heartland—and so purple mountain—goes into rut: you know why the Wichita lineman is still on the line. Calls come in from Amarillo, Deposit, Medicine Hat, Portland and Portland, Pine Bluff, each a place where excitement at 10 P.M. is waiting for the Lomotil to work. Not, or seldom, from Brooklyn. From places so far away the time zone is north-south instead of east-west. Now cowboy and farmer and village councilman have a red-light district on their night table. I expected to hear about space-wild, kinky raptures of the deep. And, yes, I did hear some. The guy who asked Carol to shave his legs. The one who wanted to make love with Howard Cosell in drag. Another chap—I'm serious—insisted that she beat up Victoria Principal for him, play-by-play. But the bread-and-butter call is a request for companionship, for uncomplicated human linking. Talk to me. Let me express my desire aloud. Say you find me attractive. Some mutual assured delectation. Polite, shy, curious, and honorable men. Plug me in, baby. The lines cross North America and, suddenly, if you make a secret left off Main Street, you'll be—for one moment at least—heading up Eighth Avenue.

I won't flog you with commonplace generalizations about phone sex. Unless you live in the 000 area code you've heard them all of late. How it is disease- and rejection-free. And not-quite-an-infidelity, so even your rabbi or minister will let his fingers do the sinning. Some consider it impersonal, electronic, cold: yeah, no substitute for making an unsuccessful pass at your secretary. Me, I'm a word broker. I think the best thing about it is you have to use language. What we're dealing with here is whole descriptive sentences, syntax, metaphor work. The metaphor may be form-letter stuff—"my breasts are big as melons," say—but still some conceptualizing is present. In truth, we're moving away, finally, from visual sex: pin-up, X-rated loop, and the whole brainless, passive voyeur POV. We're telling each other stories again: that must require some small leap of attention (especially, dearest, if you phone a transvestite fantast). The narrative scope isn't *Peer Gynt*, I grant that. But it isn't a night of *Love Boat* either. Man, *anything* to increase national literacy. In fact, Fred, phone sex is about the last place you can still sell short fiction. □

# BOOKS IN BRIEF

*Job: A Comedy of Justice, by Robert A. Heinlein (Ballantine, 376 pp., $16.95)*

IT CAN BE argued that science fiction speaks more to our times than any other genre. Once disdained by the literary establishment (rather as the English upper crust looked down on those in "trade"), science fiction has become literature—often with a capital L. And the writer most responsible for bringing it up there is Robert Heinlein, who has been writing good-to-magnificent science fiction for some 45 years. His latest novel, *Job: A Comedy of Justice*, proves that Heinlein can still find gold in mines long considered overworked. Like the original Job, Heinlein's hero is sorely beset by problems, but this is no rewrite of the Biblical account. Nor is it a lamentation on man's fate or suffering or hopelessness. Rather, it is a novel of ideas, with the Job theme filtered through Heinlein's own view of the universe and told so well that the philosophy is part and parcel of the story. Heinlein's visions of Heaven and Hell (which are very different from those of Milton, Dante, Shaw, Jerry Falwell, or anyone else for that matter) alone are worth the price of the book. His views may shock or offend some readers, but Heinlein has always served up high-proof stuff, undiluted. Over the years, Heinlein has written many kinds of stories on many levels, but the thread linking them all has been the celebration of human competence:



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He has never bought into the gloom-and-doom school of despair and hopelessness. Even when, as in this book, the Heinlein hero is swatted back and forth like a Ping-Pong ball by the buffeting of external forces, he never loses faith in the possibility of effective personal action, which is only another way of saying that Heinlein's heroes are heroic. JACK D. KIRWAN

*Ogilvy on Advertising, by David Ogilvy (Crown, 223 pp., $24.95)*

DAVID OGILVY, the man behind the man in the Hathaway shirt, has bundled up another lavish package of shop talk and trade secrets for the delectation of the general public. His first book, *Confessions of an Advertising Man* (1963), was heavy on autobiography and stingy with illustrations; *Ogilvy on Advertising* redresses this imbalance, providing the reader with no fewer than 185 ads (some by Ogilvy & Mather, some not) tied together by Mr. Ogilvy's assured, trenchant explanations of why they worked—or didn't work. The author's now-familiar priorities are restated with admirable vigor: "I do not regard advertising as entertainment or an art form, but as a medium of information. When I write an advertisement, I don't want you to tell me that you find it 'creative.' I want you to find it so interesting that you *buy the product*." Professionals will greedily snap up *Ogilvy on Advertising* in search of sage counsel; rabid foes of commercial advertising will read it with the reluctant compulsion of Father Brown pursuing a village embezzler. Everybody in between should simply relax and enjoy this intelligent—and elegantly designed—exposition of what Madison Avenue is all about.

TERRY TEACHOUT

**REES**

(Continued from page 44)

against racially oriented groups of criminals such as the Black Panthers, and for supporting birth-control clinics in Third World nations.

The Senate Foreign Relations Committee recommended last year that we ratify the convention subject to "understandings" that would narrow the scope of possible interpretations. The World Court, of course, would be free to disregard these unilateral understandings if it should decide they are incorrect constructions of the convention. But the committee expressed its confidence that this will not happen, characterizing the Court as "moribund." In any case, the committee suggested that in the unlikely event the United States were found in violation of its treaty obligations, "as a practical matter that is where it would end," since "the Court has no enforcement powers."

The committee's nonchalance is eerily reminiscent of the attitude of the senators who assured their colleagues in 1946 that a case like *Nicaragua* v. *United States* could never happen and would present no real problem if it did. Although there would be positive symbolic value in the United States' ratifying the Genocide Convention, it is essential that we expressly reserve the right to decline the World Court's jurisdiction.

Even if the Court had not shown in the Nicaragua case its willingness and ability to threaten vital U.S. interests, the argument that the Genocide Convention poses no dangers because the Court is moribund ignores the dynamic nature of law and legal institutions. Perhaps even more importantly, it ignores the possibility that the Court has been relatively uncreative in its pre-Nicaragua decisions precisely *because* it has relatively little compulsory jurisdiction. A court whose jurisdiction depends on the consent of all parties to each case has a strong incentive to retain the trust of its constituents by rendering decisions that accord with their settled expectations.

The concept of genocide has become the intellectual property of scholars and movements whose impulses are expansionist rather than "strict constructionist." Relieved of the constraint imposed by the nonratification of the convention by the United States—the preferred target of many international human-rights activists—the World Court might well proceed to update the convention to keep pace with the frontiers of scholarship and ideology. The convention will do little or nothing to prevent actual genocide, since such mass murderers as submit themselves to the Court's jurisdiction will probably not obey its orders. But if the United States should agree to abide not only by whatever the Court decides in the Nicaragua case but also by whatever rules the Court may come to decide are necessary to prevent genocide, look for the expansion of international supervision over the nation that needs it least.

The Foreign Relations Committee's assurance that the World Court is harmless and shall always remain so has the flavor of Alexander Hamilton's statement, 14 years before *Marbury* v. *Madison*, that the federal courts would pose no threat to the "sovereignty" of the 13 states because they would possess "neither force nor will." One can even be glad that Hamilton was wrong in the case of the United States, and yet hope that the lesson will not be played out again on a larger stage. □


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## SOUTH AFRICA AGAIN

*NEW YORK, JAN. 4*

A FORTNIGHT ago I wrote to commend demonstrations against South African racial bias. In doing so I failed to make a distinction, for which failure I have been correctly reprimanded by right-thinking friends. It is okay to demonstrate peacefully. It is not okay to break the law while demonstrating.

I learned the other day that an old and dear friend, a man of huge wit, somehow got talked into involvement in what Joseph Sobran correctly labels the "hottest social event since Leonard Bernstein's Panther party." Osborn Elliott, former editor of *Newsweek*—indeed it was he who brought *Newsweek* up to competitive maturity with *Time*—is now the dean of the School of Journalism of Columbia University. One can understand that under the load of that office one tends to look for photo opportunities to keep one's hand in. Well, reports have it that Dean Elliott went down to the South African consulate in New York, attempted with other demonstrators to block access to the consulate, got himself arrested, was promptly given the equivalent of a demonstrator's ticket, and went happily back to school.

Two thoughts come to mind. The first concerns the protest organized in 1956 against the Soviets for their invasion of Hungary and slaughter of the freedom-fighters. Mr. Marvin Liebman was the most effective recruiter of demonstrators, and one afternoon he tapped the Hungarian-American movie actress Ilona Massey. Miss Massey got into a taxi with Mr. Liebman. When it pulled up opposite the Soviet consulate, she removed her fur hat, took Kleenex from her pocketbook to wipe off her lipstick, unharnessed herself from the voluminous jewelry she wore, then turned to Liebman and said, "I am rheddy." He opened the door, she emerged, lifted her clenched fist at the window of the office building, and in full view of the cameras shouted, "Butchers!! Murderers!!" re-entered the taxi, and headed back to the Waldorf, busily replacing the lipstick, the hat, and the jewelry. A day in the life of the modern protestor in the West.

Okay, we could not reasonably have expected Dean Elliott to erect a pillar and, like St. Simeon Stylites, ascend it and stay there for a full semester to demonstrate the gravity of his feelings against apartheid. But—Thought No. 2—one might expect an experienced Democrat to show knowledge of the rules of democratic life, and one of these is that host governments guarantee freedom of access to embassies and consulates of other countries. This is a point one makes with an acute sense of its relevance in an age when free-enterprise terrorists around the world seek not only to block access to American embassies, but also to block egress from them, as 52 Americans know who spent a year as hostages in Teheran. The notion that getting arrested for illegal behavior in New York protesting South African policies is going to affect those policies in a way that peaceful protests will not is unprovable. And Columbia University endured enough experiments in 1968 at the expense of the law to leave a patrimony for the presumption of order that ought to have extended at least 16 years, if not to cool the contumacious spirits of exuberant students, at least those of experienced deans.

Then, the question of legality to one side, there is the question of decorum, in the best-dressed sense of that word. An invitation to decorum is not an invitation to stuffiness. But the people who govern in South Africa simply are not monsters, and it is a mistake to address them as though they were. Demonstrations for racial equality, and protests against a failure to observe it, are different from the kind of thing Bishop Tutu is talking about, which is the overthrow of the South African government. By coincidence, CBS's *60 Minutes* last month showed a segment, presided over by Morley Safer, illustrating the liberalization of the apartheid laws under Prime Minister Botha. A combination of encouragement and firmness isn't readily communicated by blocking access to South African consulates.

MOREOVER, it is unwise to draw attention to American practice. On this point I quote Mr. Sobran once more: "Nobody," he writes, "is looking too closely at the mating and migratory habits of white liberals here, though such an inquiry might lead to interesting conclusions. The last Kennedy to be seen in Harlem was beaten and robbed while buying drugs. This is, of course, the ad hominem argument, but, as someone has observed, the ad hominem argument is the deepest of all: It is God's argument." Once again reminding us that the central thought of our liberation theologians is that sin is social. It tends, rather, to be personal. In South Africa, it is both, but the distinctions need to be made. □

## OUTWITTING THE TERRORISTS

*NEW YORK, JAN. 9*

ONE NEEDS to be patient when hearing, for instance from Secretary of State Shultz, about the moral complexity of dealing with terrorists. There's no question about it. To begin with, you can't storm a passenger plane to kill off the terrorists when the operation suggests the probable death of the hostages. The next problem is how to find the relevant people to punish. The driver who plows into the U.S. Embassy with a dynamite-laden truck, killing himself while killing his targets, often leaves an insufficient trail. It is the job of counterintelligence to try to find the leaders of individual terrorist groups. It is not a job for the Department of Defense and its warships.

But the most recent atrocity brings to mind the profoundly mistaken policy of failing to execute convicted terrorists. The hijackers of the Kuwaiti airliner stated their demands via the Iranians, in Teheran: and these demands, it is reported, were for the immediate release by Kuwait of 17 terrorists—three of them sentenced to death—convicted for the bombings of the American and French Embassies a year ago.

Recall that several terrorist attacks over the past few years have had as their stated objective the release of fellow terrorists held in Israel. Israel does not believe in the death penalty, and for that reason declines to execute convicted terrorists. When you fail to execute a convicted terrorist, you are sentencing an innocent man to death. If not that exactly, you are endangering the lives of innocent people, it being the regular practice of terrorists who hold hostages to demand as the price for their release the release of their brother terrorists held in foreign jails.



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Now a country is supposed presumptively to accept other countries' dominion over their own laws. The terrorists now held by Iran will not find themselves lodged in a society that has any scruple against the death penalty, and probably it will be meted out. Though here is an interesting emotional and psychological complexity.

The Mehrabad Airport is the international airport in Teheran. Travelers are greeted with an imposing sign reading, "Death to U.S.A." That sign, of course, was placed there, and is countenanced, by the same government that, in clear violation of the law, held American hostages over a year at the end of the Carter Administration. To proceed to execute terrorists who carried out a little free-enterprise anti-Americanism may present the Iranian courts with a dilemma. Conceivably they will find the terrorists guilty of executing the two or three Kuwaitis who were killed, while finding them not guilty of the murder of the Americans.

And this point leads us to the question of how to deal in diplomacy with centers of anti-Americanism, Cuba and Libya being vivid examples, if you don't count the Soviet Union. The trouble with counting in the Soviet Union in any roster is that it has the effect of dwarfing the misdeeds of others, which however are misdeeds just the same.

For several years after the discovery of skyjacking, Cuba and Libya were centers toward which the skyjackers gravitated. There for a while the terrorists were treated as revolutionary heroes. Presumably under quiet pressure from the United States, Fidel Castro in due course changed his attitude toward them and, instead, began to imprison arriving skyjackers, who lost their appetite for Cuban hospitality. In Libya they continue safe.

Once before, in this space, I recommended action by the pilots of the world, acting through their unions. They should refuse to fly a plane into any country that has not adequately punished a terrorist-skyjacker. This is a penalty that would have a singular reach. It would involve not only a primary boycott against countries that extend hospitality to terrorists, but also a secondary boycott, which is to say, a boycott against countries whose pilots fail to join in the primary boycott. In the instant case, it would go as follows: If the Iranian courts have not handed out the sentence of death (that sentence being the extreme sentence, and conventionally applied) against the terrorists who killed the two Americans within, let us say, six weeks (consideration should be given to conventional judicial calendars within the various countries), the U.S. Government would revoke the landing rights here of any country whose airliners visit Teheran.

What one needs above all is to shake the notion that today's terrorists are tomorrow's heroes. Shake it because it is all too often the case that one graduates from terrorist, to prime minister (Algeria is a case in point). It is in this area that decisive action is indicated. □

# THE YEAR OF BHOPAL?

*NEW YORK, JAN. 11*

At one of those round-table talkfests at which one is asked what will stand out in history as the great event of 1984, a seasoned and bright journalist said that the tragedy of Bhopal in India would probably emerge as the distinguishing feature, or scar, of that year. That probably won't, in fact, be the case.

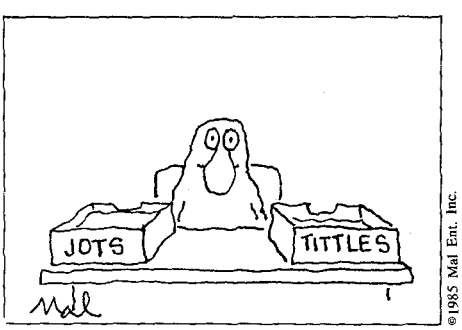
One heated week after the event of September 1, 1983 (remember?), a guest on Ted Koppel's nighttime television show predicted that the event in question would be the enduring nightmare of the postwar era. A second guest (me) predicted that the event, however inflammatory, would not stay in the memory more than three months. Sixteen months later we of course remember the shooting down by the Russians of the Korean airliner, but we need to scratch our heads just a little to do so.

Six years ago, when I learned that nine hundred men, women, and children, at the prompting of a demented zealot, had, in their little American enclave in the jungles of Guyana, committed mass suicide by drinking Kool-Aid with cyanide in it, I doubted that that melodramatic event would ever be far from memory. But even Jonestown tends to fade.

So will Bhopal, and it is worth reflecting on just why this is so.

It was the largest industrial accident in the history of the world, killing two thousand people, and maiming we know not how many more. The question that comes to mind is: Was there evil intent?—what the lawyers call "mens rea"—in the absence of which you are dealing with an entirely different phenomenon, as different as the accident caused by a drunken driver and the accident caused by a murderer who intentionally runs his victim down.

There will be years of legal talk on the matter, but sensible people will immediately conclude that it can hardly have been the intention of the managers of Union Carbide Corporation, Indian Division, let alone Danbury HQ, to bring on such tragedy. The loss of lives apart, the very future of the corporation is threatened. We don't have here a demented leader persuading his hypnotized followers to commit suicide, or a bloodless leader in the Kremlin consigning 269 innocent travelers to a horrible death from 35,000 feet over the Sea of Japan. It was an "accident." The question will now arise, Was it an accident that reasonable safeguards would have prevented (that, of course, will be the plaintiffs' allegation), or was it an accident in the sense that the pilot who ran his plane into the Empire State Building had an accident?




It will not be easy to ideologize the tragedy of Bhopal. Jane Fonda completely forgot to warn us about methyl isocyanate, which in India has killed two thousand more people than have died from any accidents caused by a nuclear power plant. Moreover, the poisonous ingredients in question were developed for the purpose of controlling the insect population. If we hadn't encouraged the development of insecticides in the course of the past fifty years we would be dying by the thousands and hundreds of thousands, from malaria, typhus, the plague, yellow fever, and whatever.

It isn't hard to understand the fury of the Indian people. Fury is fueled by impotence. Relatives of the afflicted desire to punish Union Carbide, but so does all of India, it seems. Never mind that the management of Union Carbide is convincingly traumatized by what happened. When its chairman, Mr. Anderson, went to Bhopal he was arrested: a gesture designed exclusively for public consumption, and in a few hours he was out. What to do, when you don't know what to do? The Bible comes up with the correct formulation: There shall be weeping and gnashing of teeth.

But the episode will fade from memory. Unquestionably the regulations for storing methyl isocyanate will be reviewed. If it transpires that they were met by Union Carbide at Bhopal and even so the gas escaped, then obviously they were never tough enough to begin with, and it is merely luck that kept others, before, from suffering the same fate. If they were sufficiently tough but insufficiently supervised, then we have got human error.

Human error is something the world will always be afflicted with. A report last week was of a half-dozen airplanes that actually ran out of fuel in midair. In some cases, the fuel gauges were inaccurate; in others, pilots, whose own lives were at stake, had not checked the gauges. There isn't ever going to be an end to that kind of thing, so 1984 will not likely be the Year of Bhopal. □

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## Personal

**(NR extends maximum freedom in this column, but NR's maximum freedom may be another man's straitjacket. NR reserves the right to reject any copy deemed unsuitable. —Pub.)**

CALIFORNIA WOMAN ATTORNEY, 35, attractive, Catholic, farmer's daughter, likes outdoors, travel, dining, and dancing. Seeks professional, never-married, stable, kind, Catholic man who likes children. Write NR Box 4013.

35-YEAR-OLD BUSINESSMAN who enjoys outdoors, jogging, travel, sports, traditional values, seeks mature marriage-oriented woman with similar interests. No smokers. Send photo. Write NR Box 4014.

PETITE MIDWEST FEMALE transferred to New Jersey enjoys skiing, tennis, politics, classical music, PBS, and NPR, seeks communication with Catholic male, 35-45. Write NR Box 4012.

REACTIONARY journalist/writer, NYC; tall, dark, 36, expatriate Californian; seeks pretty girl ready for marriage, kids, country life. No smokers. Photo please. Write NR Box 3873.

DELIGHTFUL LADY would like correspondence with gentleman over 60 who appreciates traditional values, zany humor, and himself! Write NR Box 4011.

CENTRAL NEW YORK STATE career military officer, 26, enjoys reading, picnics, formal parties, elegant dining, and quiet moments; seeks educated, good-humored lady with similar interests. Write NR Box 4010.

CLEVELAND PROFESSIONAL MALE, 25, seems to have missed bumping into that sleek, stylish woman immersed in Melville, Jung, Clint Eastwood, Beethoven, Tina Turner, karate, skiing, and Republican landslides. Why don't you write? NR Box 4009.

HANDSOME, NEVER-MARRIED L.A.-area male English teacher, 36, 5'10", Spanish-speaking, Vietnam veteran, interested in books, art, travel, hiking, nature, skiing, and hockey, seeks an intelligent, nonsmoking woman of ideas, humor, and heart, 20-30, Catholic, but not too Catholic. Write NR Box 4003.

ATTRACTIVE, VIVACIOUS, GOOD-HEARTED (and sometimes outrageous) woman, 41 (looks 31), well-traveled, Catholic convert, likes beachcombing, antiquing, shopping, socializing, and solitude. Seeks companionship of successful, interesting, mature (40ish), traditionally minded man, honest as the day is long. Write NR Box 4004.

WARM-HEARTED, GREEN-EYED brunette, 27, 5'2", NYC computer whiz, world traveler, enjoys cooking, bicycling, canoeing. Seeks smart, kind, professional gentleman with traditional outlook. Write NR Box 3964.

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## Miscellaneous

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# TRANS-O-GRAM / KEM PUTNEY

## DEFINITIONS

A. Take back — 159 85 59 35 7 95 150 122 69

B. Harnessed — 113 52 75 45 30 130 26

C. Greedy — 173 126 57 23 151 78 34 118

D. Sooners' year for statehood — 27 5 6 4

E. A Don Juan — 123 76 98 42 164 129 9 106

F. City in southwest Montana — 138 68 175 82 25

G. Massage — 49 171 21 92 145 108 64

H. Up (3 words) — 147 43 70 158 155 165 14 143

I. Wife of Amenhotep IV — 77 40 115 153 105 87 1 53 124

J. Universal — 139 32 22 96 125 56 131 146 83 111

K. Indirect — 60 169 101 116 15 48 73 154 162 144

L. Exclusion from the group — 114 86 65 142 100 41 3 74 8

M. European nation (with "the") — 36 63 112 11 109 44 136 89 170 161 81

N. Former British PM (full name) — 91 121 29 103 71 148 47 17 137 167 174

O. Eternal punishment — 50 110 168 2 117 62 97 134 28

P. Embassy official — 141 39 80 93 149 16 160

Q. Huge — 157 33 72 94 120 10 54

R. Cry out loudly — 20 127 67 135 84

S. New Zealand native — 172 38 104 163 13

T. What the ram said to his wife as he packed to leave (5 words) — 79 152 61 46 156 12 119 90 133 24 102 140 128 51 31

U. Softening — 132 99 55 18 66 58 37

V. This kind of loaf is better than none — 88 19 166 107

## DIRECTIONS

The object of TRANS-O-GRAM is to fill in the puzzle diagram by guessing the words (above) from their definitions, and transferring each letter of the guessed word to the correspondingly numbered square in the diagram. When the diagram is filled in it will spell out a quotation from some published work (reading normally from left to right, black boxes indicating the ends of words); also, when the words have all been filled in above, their initial letters will spell out the author and title of the quoted work. The acrostic feature, and the relative word-lengths in the diagram, will assist in the solution. Spelling and definitions on the authority of *Webster's New International Dictionary*, Second Edition.

See page 64 for solution to last Trans-O-Gram.

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 I | 2 O | | 3 L | 4 D | 5 D | 6 D | | 7 A | 8 L | 9 E | 10 Q | 11 M |
| | 12 T | 13 S | 14 H | 15 K | | 16 P | 17 N | | 18 U | 19 V | 20 R | | 21 G | 22 J | 23 C | 24 T |
| 25 F | 26 B | | 27 D | 28 O | | 29 N | 30 B | 31 T | | 32 J | 33 Q | 34 C | 35 A | 36 M | 37 U | 38 S |
| 39 P | 40 I | | 41 L | 42 E | 43 H | 44 M | 45 B | 46 T | 47 N | 48 K | 49 G | 50 O | | 51 T | 52 B | 53 I |
| 54 Q | | 55 U | 56 J | | 57 C | 58 U | 59 A | 60 K | 61 T | 62 O | 63 M | 64 G | 65 L | 66 U | 67 R | 68 F |
| 69 A | | 70 H | 71 N | 72 Q | 73 K | 74 L | 75 B | 76 E | 77 I | 78 C | | 79 T | 80 P | | 81 M | 82 F |
| 83 J | 84 R | 85 A | 86 L | | 87 I | 88 V | 89 M | 90 T | | 91 N | 92 G | 93 P | 94 Q | | 95 A | 96 J |
| 97 O | 98 E | 99 U | | 100L | 101K | 102T | 103N | 104S | 105I | | 106E | 107V | | 108G | 109M | 110O |
| 111J | 112M | 113B | | 114L | 115I | | 116K | 117O | 118C | 119T | 120Q | 121N | 122A | | 123E | 1241 |
| 125J | 126C | | 127R | 128T | 129E | 130B | | 131J | 132U | | 133T | 134O | 135R | 136M | 137N | |
| 138F | 139J | | 140T | 141P | 142L | 143H | | 144K | 145G | | 146J | 147H | 148N | 149P | 150A | 151C |
| 152T | 153I | | 154K | 155H | | 156T | | 157Q | 158H | 159A | 160P | | 161M | 162K | 163S | 164E |
| 165H | 166V | 167N | | 168O | 169K | 170M | 171C | 172S | 173C | 174N | 175F | | | | | |



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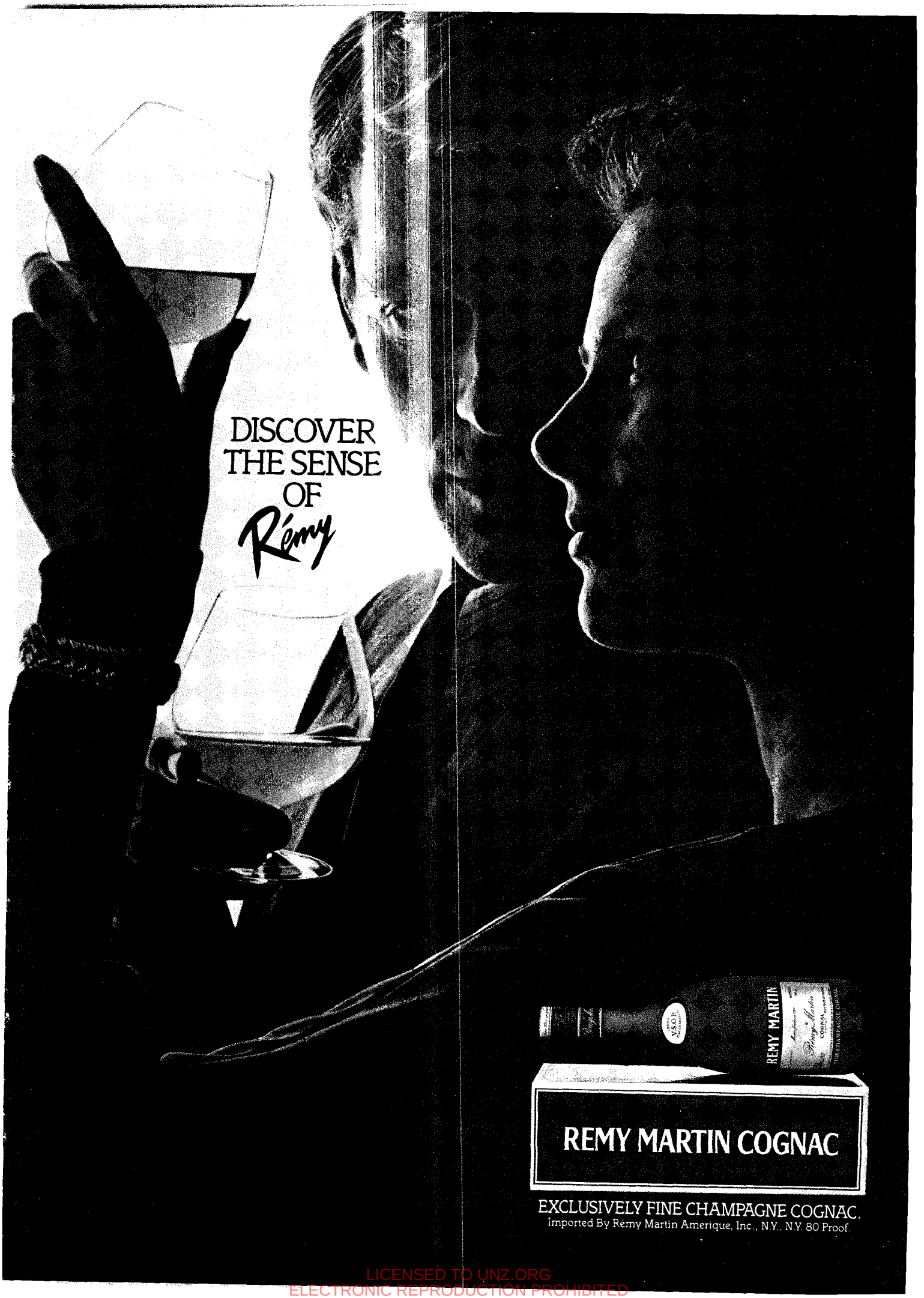


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